

**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.,  
DIEBOLD, INCORPORATED, DIGITAL  
SECURITY CONTROLS, INC., EUROPLEX  
TECHNOLOGIES (USA) INC., NAPCO  
SECURITY SYSTEMS, INC.,  
PROTECTION ONE, INC., TELULAR  
CORPORATION, NUMEREX CORP.,  
VISONIC INC., BOSCH SECURITY  
SYSTEMS, INC., ALARM.COM, INC.,  
SIEMENS BUILDING TECHNOLOGIES,  
INC., AND TYCO FIRE & SECURITY LLC**

**Defendants.**

**FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff Tobi Gellman (“Ms. Gellman”), trustee of the Mayer Michael Lebowitz Trust, brings this action against Defendants ADT Security Services, Inc. (“ADT”), Europlex Technologies (USA) Inc. (“Europlex”), Napco Security Systems, Inc. (“Napco”), Telular Corporation (Telular), Visonic Inc. (“Visonic”), Bosch Security Systems, Inc. (“Bosch”), Alarm.com, Inc. (“Alarm.com”), Siemens Building Technologies, Inc. (“Siemens”) and Tyco Fire & Security LLC (“Tyco”) <sup>1</sup> and for its cause of action alleges:

**The Parties**

<sup>1</sup> Prior defendants Diebold, Incorporated and Protection One, Inc. have been dismissed from this suit. In addition, it has come to Plaintiff’s attention that Digital Security Controls, Inc. (“DSC”) is a business unit of new defendant Tyco Fire & Security LLC. Accordingly, Tyco Fire & Security LLC is being added as the proper party in place of DSC. Finally, the dispute with Numerex Corp. has been resolved resulting in Numerex Corp. being dismissed as well.

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.

3. Upon information and belief, Europlex is a corporation organized and existing under the laws of the State of Georgia, having its primary place of business at 3060 Peachtree Rd., Suite.1100, Atlanta, Georgia 30305, and is doing business in this judicial district and elsewhere. Europlex can be served with process by serving its registered agent, Benjamin C. Abney at 3060 Peachtree Rd., Suite.1100, Atlanta, Georgia 30305.

4. Upon information and belief, Napco is a corporation organized and existing under the laws of the State of Delaware, having its primary place of business at 333 Bayview Avenue, Amityville, New York, and is doing business in this judicial district and elsewhere. Napco can be served with process by serving its registered agent, The Corporation Trust Company at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 10801.

5. Upon information and belief, Telular is a corporation organized and existing under the laws of the State of Delaware, having its primary place of business at 647 North Lakeview Parkway, Vernon Hills, Illinois 60061, and is doing business in this judicial district and elsewhere. Telular can be served with process by serving its registered agent, CT Corporation System at 350 N. St. Paul St., Dallas, TX 75201.

6. Upon information and belief, Visonic Inc. is a corporation organized and existing under the laws of the State of Connecticut, having its primary place of business at 65 West Dudley

Town Road, Bloomfield, Connecticut 06002, and is doing business in this judicial district and elsewhere. Visonic can be served with process by serving its registered agent, Amnon Steiner at 20 Northwood Drive, Bloomfield, Connecticut 06002-1911.

7. Upon information and belief, Bosch Security Systems, Inc. is a corporation organized and existing under the laws of New York, having its primary place of business at 130 Perinton Parkway, Fairport, NY 14450-9107, and is doing business in this judicial district and elsewhere. Bosch Security Systems, Inc. can be served with process by serving its registered agent, Corporation Service Company, 80 State Street, Albany, New York, 12207.

8. Upon information and belief, Alarm.com, Inc. is a corporation organized and existing under the laws of Delaware, having its primary place of business at 1861 International Drive, McLean, VA 22102, and is doing business in this judicial district and elsewhere. Alarm.com, Inc. can be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, Delaware, 19801.

9. Upon information and belief, Siemens Building Technologies, Inc. is a corporation organized and existing under the laws of Delaware, having its primary place of business at 170 Wood Ave. S, Iselin, NJ 08830-2704, and is doing business in this judicial district and elsewhere. Siemens Building Technologies, Inc. can be served with process by serving its registered agent, CT Corp System, 350 N. Saint Paul St., Dallas, Texas 75201-4240

10. Upon information and belief, Tyco Fire & Security LLC is a corporation organized and existing under the laws of Nevada, having its primary place of business at 1 Town Center Rd, Boca Raton, FL 33486-1002 and is doing business in this judicial district and elsewhere. Tyco Fire & Security LLC can be served with process by serving its registered agent, The Corporation Trust Company of Nevada, 500 Reno, Reno, NV 89511.

### **Jurisdiction and Venue**

11. 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).

12. Venue is proper in this Court under 28 United States Code § § 1391(b) and (c) and 1400 (b).

### **Claim for Patent Infringement**

13. 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 1.

14. By assignment, 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.

15. Upon information and belief, ADT develops, markets, and sells products and services, such as the Safewatch® CellGuard® line of products, to its customers that incorporate cellular networks into alarm systems. By providing such products, ADT has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the ‘451 patent.

16. Upon information and belief, Europlex develops, markets, and sells products, such as the CiTec and eCOM lines of products, to its customers that incorporate cellular networks into alarm systems. By providing such products, Europlex has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the ‘451 patent.

17. Upon information and belief, Napco develops, markets, and sells products and

services, such as the Starlink line of products, to its customers that incorporate cellular networks into alarm systems. By providing such products, Napco has in the past and continues to infringe directly, contributorily, or by inducement at least claims 19 and 21 of the '451 patent.

18. Upon information and belief, Telular develops, markets, and sells products and services, such as the Telular line of products, to its customers that incorporate cellular networks into alarm systems. By providing such products, Telular has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the '451 patent.

19. Upon information and belief, Visonic develops, markets, and sells products, such as the PowerMax + (which includes a GSM-100 module), PowerMax Pro (which includes a GSM-200 module) and PowerMax Complete (which includes a GSM-300 module) to its customers that incorporate cellular networks into alarm systems. By providing such products, Visonic has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the '451 patent.

20. Upon information and belief, Bosch develops, markets, and sells products, such as the Connetix GSM and Easy Series systems (both of which include the ITS-300GSM Communicator) to its customers that incorporate cellular networks into alarm systems. By providing such products, Bosch has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the '451 patent.

21. Upon information and belief, Siemens develops, markets, and sells products, such as the SiRoute (which includes an ICW711 Panel with integrated GSM modem) and Sintony 60 (which includes an IGS6-10 GSM module) systems to its customers that incorporate cellular networks into alarm systems. By providing such products, Siemens has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the '451 patent.

22. Upon information and belief, Alarm.com develops, markets, and sells products, such as its Alarm.com Wireless Module to its customers that incorporate cellular networks into alarm systems. By providing such products, Alarm.com has in the past and continues to infringe directly, contributorily, or by inducement at least claim 21 of the '451 patent.

23. Upon information and belief, Tyco owns and operates DSC which develops, markets, and sells products and services, such as the Skyroute line of products and the GSM Universal Wireless Alarm Communicators, to its customers that incorporate cellular networks into alarm systems. By providing such products, Tyco has in the past and continues to infringe directly, contributorily, or by inducement at least claims 19 and 21 of the '451 patent.

24. As a result of the Defendants' infringing conduct, the Defendants have damaged the Lebowitz Trust. The Defendants are liable to the Lebowitz Trust in an amount that adequately compensates it for Defendants' infringement which by law can be no less than a reasonable royalty.

**Demand for Jury Trial**

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

**Prayer for Relief**

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

- A. That Defendants have infringed one or more claims of U.S. Patent No. 6,075,451;
- B. That Defendants 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: April 15, 2009

/s/ Edward W. Goldstein  
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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 15, 2009. Any other counsel of record will be served by first class U.S. mail.

/s/ Edward W. Goldstein  
Edward W. Goldstein