

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

VONAGE HOLDINGS CORP.,)
)
 Plaintiff,)
)
 v.)
)
 SBC INTERNET SERVICES, INC.,)
 SPRINT COMMUNICATIONS CO., L.P.,)
 CENTRAL TELEPHONE COMPANY OF)
 TEXAS, and BELL ATLANTIC)
 COMMUNICATIONS, INC., d/b/a)
 VERIZON LONG DISTANCE,)
)
 Defendants,)
)
 AND)
)
 NORTEL NETWORKS INC.,)
)
 Plaintiff,)
)
 v.)
)
 VONAGE HOLDINGS CORP.,)
)
 Defendant.)

CIVIL ACTION NO. 4-04-CV-548-Y
Consolidated with 4-05-CV-224-Y

JURY TRIAL DEMANDED

PLAINTIFF’S FOURTH AMENDED COMPLAINT

Plaintiff, Vonage Holdings Corp. brings this action against Defendants SBC Internet Services, Inc., Sprint Communications Company, L.P., Central Telephone Company of Texas, and Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, alleging as follows:

THE PARTIES

1. Vonage Holdings Corp. (“Vonage”) is a Delaware Corporation with a place of business in Holmdel, New Jersey.

2. Upon information and belief, SBC Internet Services, Inc. (“SBCIS”) is a corporation organized and existing under the laws of the State of California, with its principal place of business in San Ramon, California, and is doing business in this judicial district and elsewhere. SBC has been served with process and filed an Answer herein.

3. Upon information and belief, Sprint Communications Company, L.P. (“Sprint”) is a limited partnership organized and existing under the laws of the State of Delaware, with its principal place of business at 6500 Sprint Parkway, Overland Park, Kansas. B. Trent Webb, counsel for Sprint, has agreed to accept service of process.

4. Upon information and belief, Central Telephone Company of Texas (“CTCT”) is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 6500 Sprint Parkway, Overland Park, Kansas. B. Trent Webb, counsel for Sprint, has agreed to accept service of process on behalf of CTCT.

5. Upon information and belief, Bell Atlantic Communications, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1717 Arch Street, 15th Floor, Philadelphia, PA 19103. Bell Atlantic Communications, Inc. is doing business as Verizon Long Distance (“Verizon”) in this judicial district and elsewhere. Verizon has been served with process and filed an Answer herein.

JURISDICTION AND VENUE

6. This action for infringement arises under the patent laws of the United States. This Court has exclusive jurisdiction under 28 U.S.C. § 1338(a).

7. Defendants have transacted, and are transacting, business within the Fort Worth Division of the Northern District of Texas. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

CLAIMS FOR PATENT INFRINGEMENT

United States Patent No. 4,782,485

8. On November 1, 1988, United States Patent No. 4,782,485 (“the ‘485 patent”) was duly and legally issued for a “Multiplexed Digital Packet Telephone System.” A true and correct copy of the ‘485 patent is attached hereto as Exhibit “A” and made a part hereof.

9. Vonage is the owner of all right, title and interest in the ‘485 patent with the right to collect damages for all relevant times.

10. Upon information and belief, Defendants manufacture, make, have made, use, sell and/or offer for sale devices and/or services that infringe claims in the ‘485 patent. In manufacturing and selling such devices and/or services, the Defendants are infringing directly, by inducement, and/or by contributing to the infringement of the ‘485 patent.

11. As a direct and proximate result of Defendants’ infringement of the ‘485 patent, Vonage has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Vonage is entitled to relief.

12. Defendants are liable to Vonage in an amount that adequately compensates Vonage for the Defendants’ infringement.

United States Patent No. 5,018,136

13. On May 21, 1991, United States Patent No. 5,018,136 (“the ‘136 patent”) was duly and legally issued for a “Multiplexed Digital Packet Telephone System.” A true and correct copy of the ‘136 patent is attached hereto as Exhibit “B” and made a part hereof.

14. Vonage is the owner of all right, title and interest in the ‘136 patent with the right to collect damages for all relevant times.

15. Upon information and belief, Defendants manufacture, make, have made, use, sell and/or offer for sale devices and/or services that infringe claims in the '136 patent. In manufacturing and selling such devices and/or services, the Defendants are infringing directly, by inducement, and/or by contributing to the infringement of the '136 patent.

16. As a direct and proximate result of Defendants' infringement of the '136 patent, Vonage has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Vonage is entitled to relief.

17. Defendants are liable to Vonage in an amount that adequately compensates Vonage for the Defendants' infringement.

18. Upon information and belief, Defendants will continue their infringement of the '136 patent unless enjoined by the Court.

19. Vonage has suffered irreparable damage as a result of the Defendants' infringing conduct, and will continue to be irreparably damaged unless Defendants are enjoined from committing future acts of infringement by the Court.

United States Patent No. 5,444,707

20. On Aug. 22, 1995, United States Patent No. 5,444,707 ("the '707 patent") was duly and legally issued for a "Packet Switching Communication System." A true and correct copy of the '707 patent is attached hereto as Exhibit "C" and made a part hereof.

21. Vonage is the owner of all right, title and interest in the '707 patent with the right to collect damages for all relevant times.

22. Upon information and belief, Defendants manufacture, make, have made, use, sell and/or offer for sale devices and/or services that infringe claims in the '707 patent. In manufacturing and selling such devices and/or services, the Defendants are infringing directly, by inducement, and/or by contributing to the infringement of the '707 patent.

23. As a direct and proximate result of Defendants' infringement of the '707 patent, Vonage has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Vonage is entitled to relief.

24. Defendants are liable to Vonage in an amount that adequately compensates Vonage for the Defendants' infringement.

25. Upon information and belief, Defendants will continue their infringement of the '707 patent unless enjoined by the Court.

26. Vonage has suffered irreparable damage as a result of the Defendants' infringing conduct, and will continue to be irreparably damaged unless Defendants are enjoined from committing future acts of infringement by the Court.

27. Upon information and belief, Defendants' infringement of the '485, '136, and '707 patents has been willful and deliberate, rendering this an exceptional case under 35 USC Sec. 285.

JURY DEMAND

In accordance with Fed. R. Civ. P. 38(b), Vonage hereby demands a trial by jury on all issues so triable.

PRAYER

WHEREFORE, Vonage respectfully requests that the Court find in its favor and against Defendants and that the Court enter a judgment or order granting Vonage the following relief:

- a. That one or more claims of United States Patent No. 4,782,485 have been infringed by Defendants literally and/or under the doctrine of equivalents and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. That one or more claims of United States Patent No. 5,018,136 have been infringed by Defendants literally and/or under the doctrine of equivalents and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- c. That one or more claims of United States Patent No. 5,444,707 have been infringed by Defendants literally and/or under the doctrine of equivalents and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- d. That Defendants be permanently enjoined from infringing United States Patent No. 5,018,136 and United States Patent No. 5,444,707;
- e. That Defendants account for and pay to Vonage damages adequate to compensate Vonage for Defendants' infringing activities complained of herein;
- f. That Vonage be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' infringing activities complained of herein;
- g. That Vonage be awarded its costs;
- h. That this Court declare this an exceptional case and award Vonage its reasonable attorney fees; and
- i. That Vonage be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: May 9, 2007

Respectfully submitted,

/s/ Jonathan T. Suder
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**COUNSEL FOR VONAGE
HOLDINGS CORP.**

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2007 I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, Fort Worth Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Jonathan T. Suder