

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**EWI HOLDINGS, INC.,**

**Plaintiff,**

**vs.**

**PRE SOLUTIONS, INC.,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION No. 2:03-cv-340-TJW**

**JURY TRIAL DEMANDED**

**PLAINTIFF’S SECOND AMENDED ORIGINAL COMPLAINT**

Plaintiff EWI Holdings, Inc. (“EWI”) files this Second Amended Complaint for infringement of U.S. Patent No. 6,526,130, a copy of which is attached hereto as Exhibit “A,” under 35 U.S.C. § 271, and in support thereof would respectfully show the Court the following:

**PARTIES**

1. Plaintiff EWI Holdings, Inc. is a corporation organized and existing under the laws of the State of Delaware, and has its principal place of business at 9466 Chesapeake Drive, Suite 702, San Diego California 92123.

2. Defendant PRE Solutions, Inc. (“PRE Solutions”) is a corporation organized and existing under the laws of the State of Georgia, and has its principal place of business at 520 Guthridge Court, Suite 100, Norcross Georgia 30092. PRE Solutions manufactures and sells systems for the distribution of personal identification numbers (“PINs”) associated with pre-paid services, including prepaid wireless, long distance, and Internet services. PRE Solutions may be

served with service of process by serving a copy of the Second Amended Original Complaint on its registered agent for service of process, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas, 75201.

### **JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §1338(a).

4. This Court has personal jurisdiction over the Defendant. Defendant has conducted and does conduct business within the State of Texas. Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page) its products and services in the United States, the State of Texas, and the Eastern District of Texas. Defendant has purposefully and voluntarily placed infringing products and services in the stream of commerce with the expectation that its products will be purchased by consumers in the Eastern District of Texas. These infringing products and services have been and continue to be purchased by consumers in the Eastern District of Texas. Defendant has committed the tort of patent infringement within the State of Texas and this District. PRE Solutions maintains a registered agent in Texas.

5. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§1391(b) and 1400.

**PATENT INFRINGEMENT**

6. United States Patent No. 6,526,130 (“the ’130 Patent”), entitled “SYSTEM AND METHOD FOR DISTRIBUTING PERSONAL IDENTIFICATION NUMBERS OVER A COMPUTER NETWORK,” was duly and legally issued by the United States Patent and Trademark Office on February 25, 2003, after full and fair examination. The ’130 Patent relates to a method and apparatus for, among other things, providing a PIN to a client terminal over a computer network. Plaintiff is the assignee of all rights, title and interest in and to the ’130 Patent and possesses all rights of recovery under the ’130 Patent.

7. PRE Solutions is infringing the ’130 Patent by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including in the Eastern District of Texas, products, and by undertaking processes, embodying the patented inventions without authority. PRE Solutions is actively, intentionally, and/or knowingly inducing or contributing to the infringement of the ’130 Patent by others.

8. PRE Solutions infringement of the ’130 Patent is willful and deliberate.

**RELIEF**

Plaintiff respectfully requests the following relief:

A. A judgment in favor of EWI that PRE Solutions has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement, the ’130 Patent;

B. A permanent injunction, enjoining PRE Solutions and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all

others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the '130 Patent;

C. A judgment and order requiring PRE Solutions to pay EWI damages for PRE Solutions' infringement of the '130 Patent, together with interest (both pre- and post-judgment), costs and disbursements as fixed by the Court under 35 U.S.C. § 284;

D. A judgment and order finding PRE Solutions' infringement willful and awarding treble the amount of damages and losses sustained by EWI as a result of PRE Solutions' infringement under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding EWI its reasonable attorneys' fees; and

F. Such other and further relief in law or in equity to which EWI may be justly entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

**McKOOL SMITH, P.C.**

By: /s/ Sam Baxter

Sam Baxter, Attorney-in-Charge

State Bar No. 19380000

[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)

Robert M. Manley

State Bar No. 00787955

[rmanley@mckoolsmith.com](mailto:rmanley@mckoolsmith.com)

John Campbell

State Bar No. 24036314

[jcampbell@mckoolsmith.com](mailto:jcampbell@mckoolsmith.com)

Kevin B. Burgess

State Bar No. 24006927

[kburgess@mckoolsmith.com](mailto:kburgess@mckoolsmith.com)

P.O. Box O

505 E. Travis, Suite 105

Marshall, Texas 75670

Telephone: (903) 927-2111

Telecopier: (903) 927-2622

**ATTORNEYS FOR PLAINTIFF  
EWI HOLDINGS, INC.**

**CERTIFICATE OF SERVICE**

A true and correct copy of the above and foregoing document was served on the following counsel via the Court's ECF system or by U.S. Mail on this 1<sup>st</sup> day of October, 2004:

RAMEY & FLOCK  
Tracey H. Crawford, Attorney-in-Charge  
100 East Ferguson Street, Suite 500  
Tyler, Texas 75702  
Phone: (903) 597-3301  
Fax: (903) 597-2413  
[tcrawford@rameyflock.com](mailto:tcrawford@rameyflock.com)

Frank G. Smith, III  
[fsmith@alston.com](mailto:fsmith@alston.com)  
Jennifer B. Moore  
[jmoore@alston.com](mailto:jmoore@alston.com)  
Robert L. Lee  
[rlee@alston.com](mailto:rlee@alston.com)  
ALSTON & BIRD, LLP  
1201 W. Peachtree Street  
Atlanta, GA 30309-3424  
Telephone: (404) 881-7240  
Telecopier: (404)881-7777

/s/ Sam Baxter  
Sam Baxter