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8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION
12

13 In re KATZ INTERACTIVE CALL
PROCESSING PATENT
14 LITIGATION

Case No. 2:07-ML-1816-B-RGK
(FFMx)

15 This document relates to:

Case No. 2:07-CV-2257-RGK
(FFMx)

16 RONALD A. KATZ TECHNOLOGY
LICENSING, L.P.,

17 Plaintiff,

**PLAINTIFF RONALD A. KATZ
TECHNOLOGY LICENSING, L.P.'S
FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT AND
DEMAND FOR JURY TRIAL**

18 v.

Hon. R. Gary Klausner

19 AMERICAN ELECTRIC POWER
20 COMPANY, INC.;
SOUTHWESTERN ELECTRIC
21 POWER COMPANY;
CENTERPOINT ENERGY, INC.;
22 CENTERPOINT ENERGY
HOUSTON ELECTRIC LLC;
23 CENTERPOINT ENERGY
RESOURCES CORP.; and
24 WHIRLPOOL CORPORATION,

25 Defendants.
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1 Plaintiff, Ronald A. Katz Technology Licensing, L.P. (“Katz Technology
2 Licensing”), by counsel, alleges as follows:

3 **THE PARTIES**

4 **1.** Plaintiff Katz Technology Licensing is a limited partnership organized
5 under the laws of the State of California, and having a principal place of business at
6 9220 Sunset Blvd. #315, Los Angeles, California 90069.

7 **2.** On information and belief, Defendant American Electric Power
8 Company, Inc. is a corporation organized under the laws of the State of New York,
9 and having a principal place of business at 1 Riverside Plaza, Columbus, Ohio
10 43215-2372.

11 **3.** On information and belief, Defendant Southwestern Electric Power
12 Company is a corporation organized under the laws of the State of Delaware, and
13 having a principal place of business at Shreveport, Louisiana.

14 **4.** On information and belief, Defendant CenterPoint Energy, Inc. is a
15 corporation organized under the laws of the State of Texas, and having a principal
16 place of business at 1111 Louisiana, Houston, TX 77002.

17 **5.** On information and belief, Defendant CenterPoint Energy Houston
18 Electric LLC is a limited liability company organized under the laws of the State of
19 Texas, and having a principal place of business at 1111 Louisiana, Houston, TX
20 77002.

21 **6.** On information and belief, Defendant CenterPoint Energy Resources
22 Corp. is a corporation organized under the laws of the State of Texas, and having a
23 principal place of business at 1111 Louisiana, Houston, TX 77002.

24 **7.** On information and belief, Defendant Whirlpool Corporation is a
25 corporation organized under the laws of the State of Delaware, and having a
26 principal place of business at Whirlpool Center, 2000 M-63, Benton Harbor,
27 Michigan 49002.

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JURISDICTION AND VENUE

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8. This is a civil action for patent infringement arising under the United States patent statutes, 35 U.S.C. § 1 et seq.

9. The United States District Court for the Eastern District of Texas ("Eastern District of Texas") has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

10. American Electric Power Company, Inc. and Southwestern Electric Power Company (collectively, the "AEP Defendants") are subject to personal jurisdiction in the Eastern District of Texas because they do and have done substantial business in the Eastern District of Texas, including: (i) selling energy products and services within the State of Texas and the Eastern District of Texas; (ii) operating infringing automated telephone systems, including without limitation the AEP customer service, outage, and billing telephone systems, that allow their customers, including customers within the State of Texas and in the Eastern District of Texas, to perform and obtain energy and utility customer services over the telephone; and (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and/or services used or consumed by, and services provided to, individuals in the State of Texas and in the Eastern District of Texas. In addition, Southwestern Electric Power Company has designated an agent for service of process in the State of Texas.

11. CenterPoint Energy, Inc., CenterPoint Energy Resources Corp. and CenterPoint Energy Houston Electric LLC (collectively the "CenterPoint Defendants") are subject to personal jurisdiction in the Eastern District of Texas because they are headquartered in the State of Texas and do and have done substantial business in the State of Texas and the Eastern District of Texas, including: (i) selling energy products and services within the State of Texas and in the Eastern District of Texas; (ii) operating infringing automated telephone systems,

1 including without limitation the CenterPoint customer service, outage, and billing
2 telephone systems, that allow their customers, including customers within the State
3 of Texas and in the Eastern District of Texas, to perform and obtain energy and
4 utility customer services over the telephone; and (iii) regularly doing or soliciting
5 business, engaging in other persistent courses of conduct, and/or deriving
6 substantial revenue from goods and/or services used or consumed by, and services
7 provided to, individuals in the State of Texas and in the Eastern District of Texas.
8 In addition, CenterPoint Energy, Inc. and CenterPoint Energy Houston Electric
9 LLC have each designated an agent for service of process in the State of Texas.

10 **12.** Whirlpool Corporation is subject to personal jurisdiction in the Eastern
11 District of Texas because it does and has done substantial business in the State of
12 Texas and the Eastern District of Texas, including: (i) operating infringing
13 automated telephone call processing systems, including without limitation the
14 Whirlpool customer contact, service and experience, Roper customer experience,
15 Kitchen Aid customer service and Cielo Baths by Whirlpool customer service
16 systems, that allow its customers, including customers within the State of Texas and
17 in the Eastern District of Texas, to perform purchasing, ordering, verification and
18 other functions over the telephone; and (ii) regularly doing or soliciting business,
19 engaging in other persistent courses of conduct, and/or deriving substantial revenue
20 from goods and services provided to individuals in the State of Texas and in the
21 Eastern District of Texas. In addition, Defendant Whirlpool has designated an
22 agent for service of process in the State of Texas.

23 **13.** Venue is proper in the Eastern District of Texas under 28 U.S.C. §§
24 1391(b)-(c) and 1400(b). This case is before this Court pursuant to the Transfer
25 Order dated March 20, 2007, *In re Katz Interactive Call Processing Patent Litig.*,
26 Docket No. 1816.

27 **BACKGROUND FACTS**

28 **14.** Ronald A. Katz (“Mr. Katz”), founder of Katz Technology Licensing,

1 is the sole inventor of each of the patents in suit. Mr. Katz has been widely
2 recognized as one of the most prolific and successful inventors of our time, and his
3 inventions over the last forty-plus years have been utilized by literally millions of
4 people.

5 **15.** In 1961, Mr. Katz co-founded Telecredit Inc. (“Telecredit”), the first
6 company to provide online, real-time credit authorization, allowing merchants to
7 verify checks over the telephone. Further innovations from Telecredit include the
8 first online, real-time, point-of-sale credit verification terminal, which enabled
9 merchants to verify checks without requiring the assistance of a live operator, and
10 the first device that used and updated magnetically-encoded cards in automated
11 teller machines. Multiple patents issued from these innovations, including patents
12 co-invented by Mr. Katz.

13 **16.** Telecredit was eventually acquired by Equifax, and has now been spun
14 off as Certegy, a public company traded on the New York Stock Exchange.
15 Certegy continues to provide services in the credit and check verification field
16 established by Mr. Katz and Telecredit.

17 **17.** Mr. Katz’s inventions have not been limited to telephonic check
18 verification. Indeed, Mr. Katz is responsible for advancements in many fields of
19 technology. Among his most prominent and well-known innovations are those in
20 the field of interactive call processing. Mr. Katz’s inventions in that field are
21 directed to the integration of telephonic systems with computer databases and live
22 operator call centers to provide interactive call processing services.

23 **18.** The first of Mr. Katz’s interactive call processing patents issued on
24 December 20, 1988. More than fifty U.S. patents have issued to Mr. Katz for his
25 inventions in the interactive call processing field, including each of the patents-in-
26 suit.

27 **19.** In 1988, Mr. Katz partnered with American Express to establish FDR
28 Interactive Technologies, later renamed Call Interactive, to provide interactive call

1 processing services based on Mr. Katz's inventions. The American Express
2 business unit involved in this joint venture later became known as First Data.

3 **20.** Early clients of Call Interactive included The New York Times, ABC's
4 Monday Night Football, KABC Radio, CBS News, and Beatrice Foods (Hunt-
5 Wesson division).

6 **21.** Many of these clients utilized Call Interactive technology for high-
7 profile events. For example, CBS News hired Call Interactive to operate an
8 interactive, real-time telephone poll to gauge viewer reaction to President George
9 H.W. Bush's 1992 State of the Union address.

10 **22.** Mr. Katz sold his interest in Call Interactive to American Express in
11 1989 but continued to provide advisory services to Call Interactive until 1992.
12 American Express later spun off the First Data business unit into a separate
13 corporation, and with that new entity went Mr. Katz's interactive call processing
14 patents and the Call Interactive call processing business. The former Call
15 Interactive, now known as First Data Voice Services, continues to provide call
16 processing solutions today.

17 **23.** In 1994, Mr. Katz formed Katz Technology Licensing, which acquired
18 the rights to the entire interactive call processing patent portfolio, including the
19 rights to each of the patents-in-suit, from First Data, the owner of all of the Katz
20 interactive call processing patents at that time.

21 **24.** The marketplace has clearly recognized the value of Mr. Katz's
22 inventions. Indeed, over 200 companies, including in some instances direct
23 competitors of the defendants, have licensed the patents-in-suit. Licensees include
24 IBM, Hewlett-Packard, Bank of America, JPMorgan Chase, Wells Fargo, HSBC,
25 AT&T, Verizon, Sprint, Microsoft, Delta Airlines, Merck, Sears, and Home
26 Shopping Network. These licensees and others acknowledge the applicability of
27 the patents-in-suit to multiple fields of use, including but not limited to financial
28 services call processing, automated securities transactions, automated credit card

1 authorization services, automated wireless telecommunication services and support,
2 automated health care services, and product and service support.

3 **25.** Each of the defendants employs the inventions of certain of the
4 patents-in-suit. Katz Technology Licensing, through its licensing arm A2D, L.P.,
5 has repeatedly attempted to engage the defendants in licensing negotiations, but to
6 date, none of the defendants have agreed to take a license to any of the patents-in-
7 suit.

8 **THE PATENTS-IN-SUIT**

9 **26.** On December 20, 1988, the United States Patent and Trademark
10 Office duly and legally issued United States Patent No. 4,792,968 (“the ‘968
11 Patent”), entitled “Statistical Analysis System For Use With Public Communication
12 Facility,” to Ronald A. Katz, sole inventor. The ‘968 Patent expired on December
13 20, 2005.

14 **27.** On May 29, 1990, the United States Patent and Trademark Office duly
15 and legally issued United States Patent No. 4,930,150 (“the ‘150 Patent”), entitled
16 “Telephonic Interface Control System,” to Ronald A. Katz, sole inventor. The ‘150
17 Patent expired on December 20, 2005.

18 **28.** On July 7, 1992, the United States Patent and Trademark Office duly
19 and legally issued United States Patent No. 5,128,984 (“the ‘984 Patent”), entitled
20 “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A.
21 Katz, sole inventor.

22 **29.** On October 5, 1993, the United States Patent and Trademark Office
23 duly and legally issued United States Patent No. 5,251,252 (“the ‘252 Patent”),
24 entitled “Telephone Interface Call Processing System With Call Selectivity,” to
25 Ronald A. Katz, sole inventor.

26 **30.** On September 27, 1994, the United States Patent and Trademark
27 Office duly and legally issued United States Patent No. 5,351,285 (“the ‘285
28 Patent”), entitled “Multiple Format Telephonic Interface Control System,” to

1 Ronald A. Katz, sole inventor. The '285 Patent expired on December 20, 2005.

2 **31.** On October 1, 1996, the United States Patent and Trademark Office
3 duly and legally issued United States Patent No. 5,561,707 ("the '707 Patent"),
4 entitled "Telephonic Interface Statistical Analysis System," to Ronald A. Katz, sole
5 inventor. The '707 Patent expired on December 20, 2005.

6 **32.** On November 4, 1997, the United States Patent and Trademark Office
7 duly and legally issued United States Patent No. 5,684,863 ("the '863 Patent"),
8 entitled "Telephonic-Interface Statistical Analysis System," to Ronald A. Katz, sole
9 inventor. The '863 Patent expired on December 20, 2005.

10 **33.** On July 28, 1998, the United States Patent and Trademark Office duly
11 and legally issued United States Patent No. 5,787,156 ("the '156 Patent"), entitled
12 "Telephonic-Interface Lottery System," to Ronald A. Katz, sole inventor. The '156
13 Patent expired on December 20, 2005.

14 **34.** On September 29, 1998, the United States Patent and Trademark
15 Office duly and legally issued United States Patent No. 5,815,551 ("the '551
16 Patent"), entitled "Telephonic-Interface Statistical Analysis System," to Ronald A.
17 Katz, sole inventor. The '551 Patent expired on December 20, 2005.

18 **35.** On October 27, 1998, the United States Patent and Trademark Office
19 duly and legally issued United States Patent No. 5,828,734 ("the '734 Patent"),
20 entitled "Telephone Interface Call Processing System With Call Selectivity," to
21 Ronald A. Katz, sole inventor.

22 **36.** On April 27, 1999, the United States Patent and Trademark Office
23 duly and legally issued United States Patent No. 5,898,762 ("the '762 Patent"),
24 entitled "Telephonic-Interface Statistical Analysis System," to Ronald A. Katz, sole
25 inventor. The '762 Patent expired on December 20, 2005.

26 **37.** On June 29, 1999, the United States Patent and Trademark Office duly
27 and legally issued United States Patent No. 5,917,893 ("the '893 Patent"), entitled
28 "Multiple Format Telephonic Interface Control System," to Ronald A. Katz, sole

1 inventor. The '893 Patent expired on December 20, 2005.

2 **38.** On October 26, 1999, the United States Patent and Trademark Office
3 duly and legally issued United States Patent No. 5,974,120 ("the '120 Patent"),
4 entitled "Telephone Interface Call Processing System With Call Selectivity," to
5 Ronald A. Katz, sole inventor.

6 **39.** On March 28, 2000, the United States Patent and Trademark Office
7 duly and legally issued United States Patent No. 6,044,135 ("the '135 Patent"),
8 entitled "Telephone-Interface Lottery System," to Ronald A. Katz, sole inventor.
9 The '135 Patent expired on July 10, 2005.

10 **40.** On November 14, 2000, the United States Patent and Trademark
11 Office duly and legally issued United States Patent No. 6,148,065 ("the '065
12 Patent"), entitled "Telephonic-Interface Statistical Analysis System," to Ronald A.
13 Katz, sole inventor. The '065 Patent expired on July 10, 2005.

14 **41.** On January 1, 2002, the United States Patent and Trademark Office
15 duly and legally issued United States Patent No. 6,335,965 ("the '965 Patent"),
16 entitled "Voice-Data Telephonic Interface Control System," to Ronald A. Katz, sole
17 inventor. The '965 Patent expired on December 20, 2005.

18 **42.** On September 18, 2001, the United States Patent and Trademark
19 Office duly and legally issued United States Patent No. 6,292,547 ("the '547
20 Patent"), entitled "Telephonic-Interface Statistical Analysis System," to Ronald A.
21 Katz, sole inventor. The '547 Patent expired on July 10, 2005.

22 **43.** On February 19, 2002, the United States Patent and Trademark Office
23 duly and legally issued United States Patent No. 6,349,134 ("the '134 Patent"),
24 entitled "Telephonic-Interface Statistical Analysis System," to Ronald A. Katz, sole
25 inventor. The '134 Patent expired on December 20, 2005.

26 **44.** On July 23, 2002, the United States Patent and Trademark Office duly
27 and legally issued United States Patent No. 6,424,703 ("the '703 Patent"), entitled
28 "Telephonic-Interface Lottery System," to Ronald A. Katz, sole inventor. The '703

1 Patent expired on July 10, 2005.

2 **45.** On August 13, 2002, the United States Patent and Trademark Office
3 duly and legally issued United States Patent No. 6,434,223 (“the ‘223 Patent”),
4 entitled “Telephone Interface Call Processing System With Call Selectivity,” to
5 Ronald A. Katz, sole inventor. The ‘223 Patent expired on July 10, 2005.

6 **46.** On January 28, 2003, the United States Patent and Trademark Office
7 duly and legally issued United States Patent No. 6,512,415 (“the ‘415 Patent”),
8 entitled “Telephonic-Interface Game Control System,” to Ronald A. Katz, sole
9 inventor. The ‘415 Patent expired on July 10, 2005.

10 **47.** On January 13, 2004, the United States Patent and Trademark Office
11 duly and legally issued United States Patent No. 6,678,360 (“the ‘360 Patent”),
12 entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole
13 inventor. The ‘360 Patent expired on July 10, 2005.

14 **48.** On October 19, 1993, the United States Patent and Trademark Office
15 duly and legally issued United States Patent No. 5,255,309 (“the ‘309 Patent”),
16 entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole
17 inventor. The ‘309 Patent expired on December 20, 2005.

18 **49.** On November 2, 1993, the United States Patent and Trademark Office
19 duly and legally issued United States Patent No. 5,259,023 (“the ‘023 Patent”),
20 entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole
21 inventor. The ‘023 Patent expired on December 20, 2005.

22 **COUNT I**

23 **(PATENT INFRINGEMENT BY AMERICAN ELECTRIC POWER**
24 **COMPANY, INC. and SOUTHWESTERN ELECTRIC POWER**
25 **COMPANY)**

26 **50.** Katz Technology Licensing realleges and incorporates by reference
27 paragraphs 1-49 of this Complaint as if fully set forth herein.

28 **51.** Katz Technology Licensing is the sole holder of the entire right, title,

1 and interest in the '968, '551, '065, '360, '762, '863, '134, '285, '893, '984, '734,
2 '223, '150, '965, '703, '707, '120, '547, and '415 Patents.

3 **52.** The AEP Defendants operate automated telephone systems, including
4 without limitation the AEP customer service, outage, and billing telephone systems,
5 that allow their customers to perform and obtain energy and utility customer
6 services over the telephone.

7 **53.** The AEP Defendants have directly and contributorily infringed, and
8 induced others to infringe, one or more claims of each of the patents identified in
9 paragraph 51 of this Complaint by making, using, offering to sell, and/or selling
10 within the United States automated telephone systems, including without limitation
11 their customer service, outage, and billing telephone service systems.

12 **54.** The AEP Defendants continue to infringe, contributorily infringe, and
13 induce others to infringe the '120, '984 and '734 Patents.

14 **55.** The AEP Defendants' infringement of the patents identified in
15 paragraph 51 of this Complaint has been willful.

16 **56.** Katz Technology Licensing has been, and continues to be, damaged
17 and irreparably harmed by the AEP Defendants' infringement, which will continue
18 unless the AEP Defendants are enjoined by this Court and/or the Eastern District of
19 Texas.

20 **COUNT II**

21 **(PATENT INFRINGEMENT BY CENTERPOINT ENERGY, INC.,**
22 **CENTERPOINT ENERGY RESOURCES CORP. and CENTERPOINT**
23 **ENERGY HOUSTON ELECTRIC LLC)**

24 **57.** Katz Technology Licensing realleges and incorporates by reference
25 paragraphs 1-56 as if fully set forth herein.

26 **58.** Katz Technology Licensing is the sole holder of the entire right, title,
27 and interest in the '551, '065, '360, '863, '134, '285, '893, '984, '734, '120, '223,
28 '965, '150, '707, '547, and '415 Patents.

1 **59.** The CenterPoint Defendants operate automated telephone systems,
2 including without limitation the CenterPoint customer service, outage, and billing
3 telephone systems, that allow its customers to perform and obtain energy and utility
4 customer services over the telephone.

5 **60.** The CenterPoint Defendants have directly and contributorily infringed,
6 and induced others to infringe, one or more claims of each of the patents identified
7 in paragraph 58 of this Complaint by making, using, offering to sell, and/or selling
8 within the United States automated telephone systems, including without limitation
9 their customer service, outage, and billing telephone service systems.

10 **61.** The CenterPoint Defendants continue to infringe, contributorily
11 infringe, and induce others to infringe the '984, '734 and '120 Patents.

12 **62.** The CenterPoint Defendants' infringement of the patents identified in
13 paragraph 58 of this Complaint has been willful.

14 **63.** Katz Technology Licensing has been, and continues to be, damaged
15 and irreparably harmed by the CenterPoint Defendants' infringement, which will
16 continue unless the CenterPoint Defendants are enjoined by this Court and/or the
17 Eastern District of Texas.

18 **COUNT III**

19 **(PATENT INFRINGEMENT BY WHIRLPOOL CORPORATION)**

20 **64.** Katz Technology Licensing realleges and incorporates by reference
21 paragraphs 1-63 as if fully set forth herein.

22 **65.** Katz Technology Licensing is the sole holder of the entire right, title,
23 and interest in the '968, '551, '065, '360, '863, '134, '150, '285, '893, '734, '120,
24 '223, '965, '703, '415, '023, '707, and '547 Patents.

25 **66.** On information and belief, Whirlpool Corporation (“Whirlpool”)
26 operates automated telephone systems, including without limitation the Whirlpool
27 customer contact, service and experience, Roper customer experience, Kitchen Aid
28 customer service and Cielo Tubs by Whirlpool customer service systems that allow

1 its customers to perform purchasing, ordering, verification and other functions over
2 the telephone.

3 **67.** Whirlpool has directly and contributorily infringed, and induced others
4 to infringe, one or more claims of each of the patents identified in paragraph 65 of
5 this Complaint by making, using, offering to sell, and/or selling within the United
6 States automated telephone systems, including without limitation the Whirlpool
7 customer contact, service and experience, Roper customer experience, Kitchen Aid
8 customer service and Cielo Baths by Whirlpool customer service systems.

9 **68.** Whirlpool continues to infringe, contributorily infringe, and induce
10 others to infringe the '734 and '120 Patents.

11 **69.** Whirlpool's infringement of the patents identified in paragraph 65 of
12 this Complaint has been willful.

13 **70.** Katz Technology Licensing has been, and continues to be, damaged
14 and irreparably harmed by Whirlpool's infringement, which will continue unless
15 Whirlpool is enjoined by this Court and/or the Eastern District of Texas.

16 **REQUEST FOR RELIEF**

17 WHEREFORE, Plaintiff Katz Technology Licensing respectfully requests
18 the following relief:

19 A. A judgment holding the AEP Defendants liable for infringement of the
20 patents identified in paragraph 51 of this Complaint;

21 B. A permanent injunction against the AEP Defendants, their officers,
22 agents, servants, employees, attorneys, parent and subsidiary corporations, assigns
23 and successors in interest, and those persons in active concert or participation with
24 them, enjoining them from continued acts of infringement of the '120, '984 and
25 '734 Patents;

26 C. An accounting for damages resulting from the AEP Defendants'
27 infringement of the patents identified in paragraph 51 of this Complaint, together
28 with pre-judgment and post-judgment interest;

1 D. A judgment holding that the AEP Defendants' infringement of the
2 patents identified in paragraph 51 of this Complaint is willful, and a trebling of
3 damages pursuant to 35 U.S.C. § 284;

4 E. A judgment holding the CenterPoint Defendants liable for
5 infringement of the patents identified in paragraph 58 of this Complaint;

6 F. A permanent injunction against the CenterPoint Defendants, their
7 officers, agents, servants, employees, attorneys, parent and subsidiary corporations,
8 assigns and successors in interest, and those persons in active concert or
9 participation with them, enjoining them from continued acts of infringement of the
10 '984, '734 and '120 Patents;

11 G. An accounting for damages resulting from the CenterPoint
12 Defendants' infringement of the patents identified in paragraph 58 of this
13 Complaint, together with pre-judgment and post-judgment interest;

14 H. A judgment holding that the CenterPoint Defendants' infringement of
15 the patents identified in paragraph 58 of this Complaint is willful, and a trebling of
16 damages pursuant to 35 U.S.C. § 284;

17 I. A judgment holding Whirlpool liable for infringement of the patents
18 identified in paragraph 65 of this Complaint;

19 J. A permanent injunction against Whirlpool, its officers, agents,
20 servants, employees, attorneys, parent and subsidiary corporations, assigns and
21 successors in interest, and those persons in active concert or participation with
22 them, enjoining them from continued acts of infringement of the '734 and '120
23 Patents;

24 K. An accounting for damages resulting from Whirlpool's infringement
25 of the patents identified in paragraph 65 of this Complaint, together with pre-
26 judgment and post-judgment interest;

27 L. A judgment holding that Whirlpool's infringement of the patents
28 identified in paragraph 65 of this Complaint is willful, and a trebling of damages

1 pursuant to 35 U.S.C. § 284;

2 M. A judgment holding this Action an exceptional case, and an award to
3 Plaintiff Katz Technology Licensing for its attorneys' fees and costs pursuant to 35
4 U.S.C. § 285; and

5 N. Such other relief as this Court and/or the Eastern District of Texas
6 deem just and equitable.

7 Dated: October 29, 2007

COOLEY GODWARD KRONISH LLP
JANET L. CULLUM

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Janet Cullum by CKH

Janet L. Cullum
Attorney for Plaintiff
RONALD A. KATZ TECHNOLOGY
LICENSING, L.P.

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Ronald A. Katz Technology Licensing, L.P. hereby demands trial by jury.

Dated: October 29, 2007

COOLEY GODWARD KRONISH LLP
JANET L. CULLUM

Janet Cullum by CKH

Janet L. Cullum
Attorney for Plaintiff
RONALD A. KATZ TECHNOLOGY
LICENSING, L.P.