

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,

Plaintiff,

v.

LOCKHEED MARTIN GLOBAL
TELECOMMUNICATIONS, INC.,
COMSAT CORPORATION,
LOCKHEED MARTIN GLOBAL
TELECOMMUNICATIONS, LLC, and
LOCKHEED MARTIN CORPORATION,
Defendants.

Civil Action No. 01-11618 WGY

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Massachusetts Institute of Technology, ("MIT"), for its Amended Complaint against Defendants Lockheed Martin Global Telecommunications, Inc. ("LMGT, Inc."), COMSAT Corporation ("COMSAT"), Lockheed Martin Global Telecommunications, LLC ("LMGT, LLC") and Lockheed Martin Corporation ("LMC") states that:

I. JURISDICTION

1. This is an action arising under the Patent Laws of the United States 35 U.S.C. §1 et seq, for infringement of United States Patent No. RE 36,478 by LMGT, Inc., COMSAT, LMGT, LLC, and LMC.
2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C. §§1391(b) and 1400.

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22

II. THE PARTIES

3. Plaintiff MIT is a nonprofit corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal offices at 77 Massachusetts Avenue, Cambridge, Massachusetts.
4. Upon information and belief, Defendant LMGT, Inc., is a corporation organized and existing under the laws of the State of Delaware with a place of business at 6560 Rock Spring Drive, Bethesda, Maryland.
5. Upon information and belief, Defendant COMSAT is a corporation organized and existing under the laws of the State of Delaware with a place of business at 6560 Rock Spring Drive, Bethesda, Maryland.
6. Upon information and belief, Defendant LMGT, LLC, is a limited liability company organized and existing under the laws of the State of Delaware with a place of business at 6560 Rock Spring Drive, Bethesda, Maryland.
7. Upon information and belief, Defendant LMC is a corporation organized and existing under the laws of the State of Maryland with a place of business at 6801 Rockledge Drive, Bethesda, Maryland 20817.

III. HISTORY AND RELATIONSHIP OF DEFENDANTS

8. Upon information and belief, prior to August 1999, COMSAT Corporation ("OLD COMSAT") was a corporation organized and existing under the laws of the District of Columbia with a place of business at 22300 COMSAT Drive, Clarksburg, MD 20871.

9. Upon information and belief, beginning at least as early as 1995, OLD COMSAT made, used, sold, or offered for sale satellite services and terminals, which infringe the '478 Patent.
10. MIT gave OLD COMSAT notice of its infringement.
11. Upon information and belief, Defendant COMSAT is the surviving corporation resulting from OLD COMSAT being merged with a wholly owned subsidiary of LMC on or about August 3, 2000.
12. Defendant COMSAT is liable for all acts of infringement committed by OLD COMSAT prior to August 3, 2000.
13. Upon information and belief, Defendant LMGT, Inc., was formed effective on or about January 1, 1999.
14. Upon information and belief, Defendant LMGT, Inc., is a wholly-owned subsidiary of Defendant LMC.
15. Upon information and belief, Defendant COMSAT is a wholly-owned subsidiary of either LMGT, LLC, or LMC.
16. Upon information and belief, Defendant LMC has held out Defendant COMSAT and Defendant LMGT, Inc., and/or Defendant LMGT, LLC as a single business unit of Defendant LMC.
17. Upon information and belief, on or about January 14, 2002, Defendant LMC announced that Defendant LMC's COMSAT Mobile Communications operations were sold to a third party.

IV. THE '478 PATENT

18. On December 28, 1999, United States Patent RE 36,478 ("the '478 Patent") entitled PROCESSING OF ACOUSTIC WAVEFORMS was duly and legally issued, and MIT owns the entire right, title and interest to the '478 Patent. A copy of the '478 Patent is attached hereto as Exhibit 1.
19. The '478 Patent discloses and claims novel methods, devices, and systems for processing acoustical waveforms such as those commonly used in connection with the encoding, transmission and decoding of speech over wireless networks.
20. Upon information and belief, Defendant LMGT, Inc., makes, uses, sells or offers for sale or has made, used, sold, or offered for sale satellite services and terminals, which infringe the '478 Patent.
21. Upon information and belief, Defendant COMSAT makes, uses, sells or offers for sale or has made, used, sold, or offered for sale satellite services and terminals, which infringe the '478 Patent.
22. Upon information and belief, Defendant LMGT, LLC, through its operation and control of Defendant COMSAT makes, uses, sells or offers for sale or has made, used, sold, or offered for sale satellite services and terminals, which infringe the '478 Patent.
23. Upon information and belief, Defendant LMC through its operation and control of Defendant COMSAT and Defendant LMGT, Inc., and/or LMGT, LLC, makes, uses, sells or offers for sale or has made, used, sold, or offered for sale satellite services and terminals, which infringe the '478 Patent.

V. FIRST CLAIM FOR RELIEF

24. MIT repeats and realleges paragraphs 1 through 23 of this Amended Complaint, as though fully set forth herein.
25. Upon information and belief, Defendants have infringed the '478 Patent by making, using, selling, and/or offering to sell satellite services and terminals, which infringe the '478 Patent.
26. Upon information and belief, Defendants have infringed the '478 Patent directly, contributorily, and/or by actively inducing acts of infringement by others.
27. MIT has given Defendants notice of their infringement.
28. Upon information and belief, the infringement by Defendants of the '478 Patent has been willful and deliberate. Defendants will continue infringing activities unless enjoined by the Court.
29. By reason of the above acts, MIT has suffered and will continue to suffer irreparable injury, which cannot be adequately compensated or measured in money. MIT has no adequate remedy at law. MIT is entitled to injunctive relief enjoining and restraining Defendants and their respective officers, directors, agents, servants, employees, and all their entities and individuals acting in concert with them or on their behalf from further infringement of the '478 Patent.

WHEREFORE, MIT prays for judgment against Defendants LMGT, Inc., COMSAT, LMGT, LLC, and LMC as follows:

- A. for judgment to be entered that Defendants LMGT, Inc., COMSAT, LMGT, LLC, and LMC have infringed the '478 Patent;

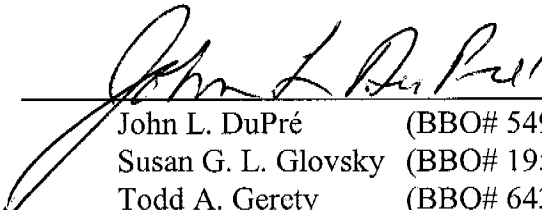
- B. for judgment to be entered that the infringement by Defendants LMGT, Inc., COMSAT, LMGT, LLC, and LMC of the '478 Patent was willful, and increasing MIT's damages by up to three times the amount found or assessed;
- C. for injunctive relief, enjoining Defendants LMGT, Inc., COMSAT, LMGT, LLC, and LMC, and their officers, directors, agents, servants, employees, and all their entities and individuals acting in concert with them or on their behalf from further infringement of the '478 Patent;
- D. for an award of compensatory damages resulting from the infringement by OLD COMSAT and by Defendants LMGT, Inc., COMSAT, LMGT, LLC, and LMC of the '478 Patent;
- E. for an award of pre-judgment interest on any damages awarded;
- F. for a declaration that this is an exceptional case under 35 U.S.C. § 285, and for an award of increased damages, attorney's fees and costs; and
- G. for such other and further relief as the Court deems reasonable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38, Fed. R. Civ. P., plaintiff MIT hereby demands a trial by jury in this action on all claims and issues triable before a jury.

Massachusetts Institute of Technology
By its Counsel

DATED: 5/16, 2002.



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Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand on May 16, 2002.



Todd A. Gerety