

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

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

Plaintiff,)

v.)

CITIBANK, N.A., CITIBANK, F.S.B.,)
CITIBANK (WEST), F.S.B.,)
CITIBANK (SOUTH DAKOTA), N.A.,)
CITIBANK USA, N.A., CITICORP)
INVESTMENT SERVICES,)
DISCOVER FINANCIAL)
SERVICES, INC., DISCOVER BANK,)
T-MOBILE USA, INC.,)
WAL-MART STORES, INC.,)
WAL-MART STORES EAST, L.P.,)
WAL-MART STORES TEXAS, L.P.,)
SAM’S EAST, INC.,)
SAM’S WEST, INC.,)
WAL-MART.COM, INC.)

Defendants.)

Civil Action No. 5:05-CV-142-DF

DEMAND FOR JURY TRIAL

**PLAINTIFF RONALD A. KATZ TECHNOLOGY LICENSING, L.P.’S
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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

THE PARTIES

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

2. On information and belief, Defendant Citibank, N.A. is a national banking association maintaining its principal place of business at 399 Park Ave., New York, New York 10111.

3. On information and belief, Defendant Citibank, F.S.B. is a federal savings bank maintaining its principal place of business at 11800 Spectrum Center, Reston, Virginia 20190.

4. On information and belief, Defendant Citibank (West), F.S.B. (“Citibank West”) is a federal savings bank maintaining its principal place of business at 1 Sansome Street, San Francisco, California 94104.

5. On information and belief, Defendant Citibank (South Dakota), N.A. (“Citibank SD”) is a national banking association maintaining its principal place of business at 701 East 60th Street, North, Sioux Falls, South Dakota 57117.

6. On information and belief, Defendant Citibank USA, N.A. (“Citibank USA”) is a national banking association maintaining its principal place of business at 701 East 60th Street, North, Sioux Falls, South Dakota 57117.

7. On information and belief, Defendant Citicorp Investment Services (“CIS”) is a corporation organized under the laws of the State of Delaware, and having executive offices at One Court Square, 24th Floor, Long Island City, New York 11120.

8. On information and belief, Defendant Discover Financial Services, Inc. (“DFS”) is a corporation organized under the laws of the State of Delaware, and having executive offices at 2500 Lake Cook Road, Riverwoods, Illinois 60015.

9. On information and belief, Defendant Discover Bank is a corporation organized under the laws of the State of Delaware, and having executive offices at 502 E. Market Street, Greenwood, Delaware 19950.

10. On information and belief, Defendant T-Mobile USA, Inc. (“T-Mobile”) is a corporation organized under the laws of the State of Delaware, and having executive offices at 12920 S.E. 38th Street, Bellevue, Washington, 98006.

11. On information and belief, Defendant Wal-Mart Stores, Inc. (“Wal-Mart Stores”) is a corporation organized under the laws of the State of Delaware, and having executive offices at 702 S.W. Eighth Street, Bentonville, Arkansas 72716.

12. On information and belief, Defendant Wal-Mart Stores East, L.P. (“Wal-Mart East”) is a limited partnership organized under the laws of the State of Delaware, and having executive offices at 702 S.W. Eighth Street, Bentonville, Arkansas 72716 .

13. On information and belief, Defendant Wal-Mart Stores Texas, L.P. (“Wal-Mart Texas”) is a limited partnership organized under the laws of the State of Texas, and having executive offices at 702 S.W. Eighth Street, Bentonville, Arkansas 72716.

14. On information and belief, Defendant Sam’s East, Inc. (“Sam’s East”) is a corporation organized under the laws of the State of Arkansas, and having executive offices at 702 S.W. Eighth Street, Bentonville, Arkansas 72716.

15. On information and belief, Defendant Sam’s West, Inc. (“Sam’s West”) is a corporation organized under the laws of the State of Arkansas, and having executive offices at 702 S.W. Eighth Street, Bentonville, Arkansas 72716.

16. On information and belief, Defendant Wal-Mart.com, Inc. is a corporation organized under the laws of the State of California, and having executive offices at 702 S.W. Eighth Street, Bentonville, Arkansas 72716.

JURISDICTION AND VENUE

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

18. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

19. Citibank, N.A., Citibank, F.S.B., Citibank West, Citibank SD, Citibank USA, and CIS (collectively, the “Citigroup defendants”) are each subject to this Court’s personal jurisdiction because they each do and have done substantial business in this judicial district, including: (i) operating infringing automated telephone call processing systems, including without limitation the CitiPhone Banking, CitiCard Customer Service, and CitiPhone Trading telephone systems, that allow their customers, including customers within this State and in this District, to perform banking, credit card, and/or brokerage functions over the telephone; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from services provided to individuals in this State and in this District. In addition, Defendant CIS has designated an agent for service of process in the State of Texas.

20. Discover Financial Services, Inc. and Discover Bank (collectively, the “Discover defendants”) are each subject to this Court’s personal jurisdiction because they each do and have done substantial business in this judicial district, including: (i) operating infringing automated telephone call processing systems, including without limitation the Discover Bank and Discover Card automated customer service systems, that allow their customers, including customers within this State and in this District, to perform banking, credit card, and other functions over the telephone; and (ii) regularly doing or soliciting business, engaging in other persistent courses of

conduct, and/or deriving substantial revenue from services provided to individuals in this State and in this District. In addition, Defendant DFS has designated an agent for service of process in the State of Texas.

21. T-Mobile is subject to this Court's personal jurisdiction because it does and has done substantial business in this judicial district, including: (i) selling mobile telephone equipment and accessories at retail locations within the District, including several retail locations owned by T-Mobile; (ii) operating infringing automated telephone systems, including without limitation the T-Mobile sales, activation, customer service, and voice mail telephone systems, that allow its customers, including customers within this State and in this District, to perform sales, activation, customer service, and voice mail functions over the telephone; and (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods used or consumed by, and services provided to, individuals in this State and in this District. In addition, Defendant T-Mobile USA, Inc. has designated an agent for service of process in the State of Texas.

22. Wal-Mart Stores, Wal-Mart East, Wal-Mart Texas, Sam's East, Sam's West, and Wal-Mart.com, Inc. (collectively, the "Wal-Mart defendants") are each subject to this Court's personal jurisdiction because they each do and have done substantial business in this judicial district, including: (i) operating several "Wal-Mart" and "Sam's Club" retail stores in this District; (ii) operating infringing automated telephone systems, including without limitation automated pharmacy prescription refill telephone systems and automated customer service telephone systems for their Wal-Mart and Sam's Club retail stores and Wal-Mart.com internet retail site, that allow their customers, including customers within this State and in this District, to perform prescription refill functions and customer service functions over the telephone; and (iii)

regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods used or consumed by, and services provided to, individuals in this State and in this District. In addition, Defendants Wal-Mart Stores, Wal-Mart East, Wal-Mart Texas, Sam's East, and Wal-Mart.com, Inc. have designated agents for service of process in the State of Texas.

23. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

BACKGROUND FACTS

24. Ronald A. Katz ("Mr. Katz"), founder of Katz Technology Licensing, is the sole inventor of each of the patents in suit. Mr. Katz has been widely recognized as one of the most prolific and successful inventors of our time, and his inventions over the last forty-plus years have been utilized by literally millions of people.

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

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

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

28. The first of Mr. Katz's interactive call processing patents issued on December 20, 1988. More than fifty U.S. patents have issued to Mr. Katz for his inventions in the interactive call processing field, including each of the patents-in-suit.

29. In 1988, Mr. Katz partnered with American Express to establish FDR Interactive Technologies, later renamed Call Interactive, to provide interactive call processing services based on Mr. Katz's inventions. The American Express business unit involved in this joint venture later became known as First Data.

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

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

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

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

34. The marketplace has clearly recognized the value of Mr. Katz's inventions. Indeed, over 100 companies, including in some instances direct competitors of the defendants, have licensed the patents-in-suit. Licensees include IBM, Hewlett-Packard, Bank of America, JPMorgan Chase, Wells Fargo, HSBC, AT&T, Verizon, Sprint, Microsoft, Delta Airlines, Merck, Sears, and Home Shopping Network. These licenses and others acknowledge the applicability of the patents-in-suit to multiple fields of use, including but not limited to financial services call processing, automated securities transactions, automated credit card authorization services, automated wireless telecommunication services and support, automated health care services, and product and service support.

35. Each of the defendants employs the inventions of certain of the patents-in-suit. Katz Technology Licensing, through its licensing arm A2D, L.P., has repeatedly attempted to engage each defendant in licensing negotiations, but to date, none of the defendants have agreed to take a license to any of the patents-in-suit.

THE PATENTS-IN-SUIT

36. On December 20, 1988, the United States Patent and Trademark Office duly and legally issued United States Patent No. 4,792,968 ("the '968 Patent"), entitled "Statistical Analysis System For Use With Public Communication Facility," to Ronald A. Katz, sole inventor.

37. On May 29, 1990, the United States Patent and Trademark Office duly and legally issued United States Patent No. 4,930,150 (“the ‘150 Patent”), entitled “Telephonic Interface Control System,” to Ronald A. Katz, sole inventor.

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

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

40. On September 27, 1994, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,351,285 (“the ‘285 Patent”), entitled “Multiple Format Telephonic Interface Control System,” to Ronald A. Katz, sole inventor.

41. On November 4, 1997, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,684,863 (“the ‘863 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor.

42. On July 28, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,787,156 (“the ‘156 Patent”), entitled “Telephonic-Interface Lottery System,” to Ronald A. Katz, sole inventor.

43. On September 29, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,815,551 (“the ‘551 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor.

44. On October 27, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,828,734 (“the ‘734 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor.

45. On November 10, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,835,576 (“the ‘576 Patent”), entitled “Telephonic-Interface Lottery Device,” to Ronald A. Katz, sole inventor. The ‘576 Patent expired on July 10, 2005.

46. On April 27, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,898,762 (“the ‘762 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor.

47. On June 29, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,917,893 (“the ‘893 Patent”), entitled “Multiple Format Telephonic Interface Control System,” to Ronald A. Katz, sole inventor.

48. On October 26, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,974,120 (“the ‘120 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor.

49. On March 7, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,035,021 (“the ‘021 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor.

50. On March 28, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,044,135 (“the ‘135 Patent”), entitled “Telephone-Interface Lottery System,” to Ronald A. Katz, sole inventor. The ‘135 Patent expired on July 10, 2005.

51. On November 14, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,148,065 (“the ‘065 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘065 Patent expired on July 10, 2005.

52. On January 1, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,335,965 (“the ‘965 Patent”), entitled “Voice-Data Telephonic Interface Control System,” to Ronald A. Katz, sole inventor.

53. On February 19, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,349,134 (“the ‘134 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor.

54. On July 23, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,424,703 (“the ‘703 Patent”), entitled “Telephonic-Interface Lottery System,” to Ronald A. Katz, sole inventor. The ‘703 Patent expired on July 10, 2005.

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

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

57. On January 13, 2004, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,678,360 (“the ‘360 Patent”), entitled “Telephonic-

Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘360 Patent expired on July 10, 2005.

COUNT I
(PATENT INFRINGEMENT BY CITIBANK, N.A., CITIBANK, F.S.B.,
CITIBANK (WEST), F.S.B., CITIBANK (SOUTH DAKOTA), N.A.,
CITIBANK USA, N.A., AND CITICORP INVESTMENT SERVICES, INC.)

58. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-57 of this Complaint as if fully set forth herein.

59. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the ‘968, ‘150, ‘285, ‘863, ‘156, ‘551, ‘734, ‘762, ‘893, ‘120, ‘065, ‘965, ‘134, ‘223, and ‘360 Patents.

60. The Citigroup defendants operate automated telephone systems, including without limitation the CitiPhone Banking, CitiCard Customer Service, and CitiPhone Trading telephone systems, that enable their customers to perform banking, credit card, and/or brokerage functions over the telephone.

61. The Citigroup defendants have directly and contributorily infringed, and induced others to infringe, one or more claims of each of the patents identified in paragraph 59 of this Complaint by making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the CitiPhone Banking, CitiCard Customer Service, and CitiPhone Trading telephone systems.

62. With the exception of the ‘065, ‘223, and ‘360 Patents, which have now expired, the Citigroup defendants continue to infringe, contributorily infringe, and induce others to infringe the patents identified in paragraph 59 of this Complaint.

63. The Citigroup defendants’ infringement of the patents identified in paragraph 59 of this Complaint has been willful.

64. Katz Technology Licensing has been, and continues to be, damaged and irreparably harmed by the Citigroup defendants' infringement, which will continue unless the Citigroup defendants are enjoined by this Court.

COUNT II
(PATENT INFRINGEMENT BY
DISCOVER FINANCIAL SERVICES, INC. AND DISCOVER BANK)

65. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-64 as if fully set forth herein.

66. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the '968, '150, '984, '285, '863, '551, '734, '762, '893, '120, '065, '965, '134, '223, and '360 Patents.

67. The Discover defendants operate automated telephone systems, including without limitation the Discover Bank and Discover Card automated customer service systems, that allow their customers to perform banking, credit card, and other functions over the telephone.

68. The Discover defendants have directly and contributorily infringed, and induced others to infringe, one or more claims of each of the patents identified in paragraph 66 of this Complaint by making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the Discover Bank and Discover Card automated customer service systems.

69. With the exception of the '065, '223, and '360 Patents, which have now expired, the Discover defendants continue to infringe, contributorily infringe, and induce others to infringe the patents identified in paragraph 66 of this Complaint.

70. The Discover defendants' infringement of the patents identified in paragraph 66 of this Complaint has been willful.

71. Katz Technology Licensing has been, and continues to be, damaged and irreparably harmed by the Discover defendants' infringement, which will continue unless the Discover defendants are enjoined by this Court.

COUNT III
(PATENT INFRINGEMENT BY T-MOBILE USA, INC.)

72. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-71 as if fully set forth herein.

73. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the '968, '150, '984, '252, '285, '863, '156, '551, '734, '576, '762, '893, '120, '021, '135, '065, '965, '134, '703, '223, '415, and '360 Patents.

74. Defendant T-Mobile operates automated telephone systems, including without limitation the T-Mobile sales, activation, customer service, and voice mail telephone systems, that allow its customers to perform sales, activation, customer service, and voice mail functions over the telephone.

75. Defendant T-Mobile has directly and contributorily infringed, and induced others to infringe, one or more claims of each of the patents identified in paragraph 73 of this Complaint by making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the T-Mobile sales, activation, customer service, and voice mail telephone systems.

76. With the exception of the '576, '135, '065, '703, '223, '415, and '360 Patents, which have now expired, Defendant T-Mobile continues to infringe, contributorily infringe, and induce others to infringe the patents identified in paragraph 73 of this Complaint.

77. Defendant T-Mobile's infringement of the patents identified in paragraph 73 of this Complaint has been willful.

78. Katz Technology Licensing has been, and continues to be, damaged and irreparably harmed by Defendant T-Mobile's infringement, which will continue unless Defendant T-Mobile is enjoined by this Court.

COUNT IV
(PATENT INFRINGEMENT BY WAL-MART STORES, INC.,
WAL-MART STORES EAST, L.P., WAL-MART STORES TEXAS, L.P.,
SAM'S EAST, INC., SAM'S WEST, INC., WAL-MART.COM, INC.)

79. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-78 as if fully set forth herein.

80. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the '984, '252, '285, '863, '156, '551, '734, '762, '893, '120, '065, '965, '135, '223, and '360 Patents.

81. The Wal-Mart defendants operate automated telephone systems, including without limitation automated pharmacy prescription refill telephone systems and automated customer service telephone systems for their Wal-Mart and Sam's Club retail stores and Wal-Mart.com internet retail site, that allow callers to perform prescription refill functions and other service functions over the telephone.

82. The Wal-Mart defendants have directly and contributorily infringed, and induced others to infringe, one or more claims of each of the patents identified in paragraph 80 of this Complaint by making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the automated pharmacy prescription refill telephone systems and automated customer service telephone systems for their Wal-Mart and Sam's Club retail stores and Wal-Mart.com internet retail site.

83. With the exception of the '065, '223, and '360 Patents, which have now expired, the Wal-Mart defendants continue to infringe, contributorily infringe, and induce others to infringe the patents identified in paragraph 80 of this Complaint.

84. The Wal-Mart defendants' infringement of the patents identified in paragraph 80 of this Complaint has been willful.

85. Katz Technology Licensing has been, and continues to be, damaged and irreparably harmed by the Wal-Mart defendants' infringement, which will continue unless the Wal-Mart defendants are enjoined by this Court.

REQUEST FOR RELIEF

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

A. A judgment holding the Citigroup defendants liable for infringement of the patents identified in paragraph 59 of this Complaint;

B. A permanent injunction against the Citigroup defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the patents identified in paragraph 59 of this Complaint, with the exception of the '065, '223, and '360 Patents, which have now expired;

C. An accounting for damages resulting from the Citigroup defendants' infringement of the patents identified in paragraph 59 of this Complaint, together with pre-judgment and post-judgment interest;

D. A judgment holding that the Citigroup defendants' infringement of the patents identified in paragraph 59 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

E. A judgment holding the Discover defendants liable for infringement of the patents identified in paragraph 66 of this Complaint;

F. A permanent injunction against the Discover defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the patents identified in paragraph 66 of this Complaint, with the exception of the '065, '223, and '360 Patents, which have now expired;

G. An accounting for damages resulting from the Discover defendants' infringement of the patents identified in paragraph 66 of this Complaint, together with pre-judgment and post-judgment interest;

H. A judgment holding that the Discover defendants' infringement of the patents identified in paragraph 66 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

I. A judgment holding T-Mobile liable for infringement of the patents identified in paragraph 73 of this Complaint;

J. A permanent injunction against T-Mobile, its officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the patents identified in paragraph 73 of this Complaint, with the exception of the '576, '135, '065, '703, '223, '415, and '360 Patents, which have now expired;

K. An accounting for damages resulting from T-Mobile's infringement of the patents identified in paragraph 73 of this Complaint, together with pre-judgment and post-judgment interest;

L. A judgment holding that T-Mobile's infringement of the patents identified in paragraph 73 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

M. A judgment holding the Wal-Mart defendants liable for infringement of the patents identified in paragraph 80 of this Complaint;

N. A permanent injunction against the Wal-Mart defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the patents identified in paragraph 80 of this Complaint, with the exception of the '065, '223, and '360 Patents, which have now expired;

O. An accounting for damages resulting from the Wal-Mart defendants' infringement of the patents identified in paragraph 80 of this Complaint, together with pre-judgment and post-judgment interest;

P. A judgment holding that the Wal-Mart defendants' infringement of the patents identified in paragraph 80 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

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

R. Such other relief as the Court deems just and equitable.

Dated: December 16, 2005

Respectfully submitted,

By: /s/ Damon M. Young

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Attorneys for Plaintiff
Ronald A. Katz Technology Licensing, L.P.

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: December 16, 2005

Respectfully submitted,

By: /s/ Damon M. Young
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Ronald A. Katz Technology Licensing, L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this pleading was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed.R.Civ.P 5(d), and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing via email transmission, facsimile and/or U.S. Mail on December 16, 2005.

/s/ Jonathan G. Graves

Jonathan G. Graves