

JUDGE PAULEY

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

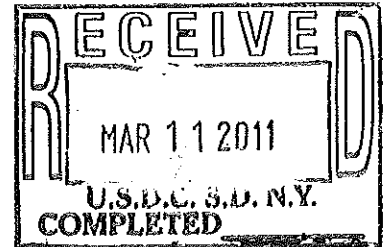
TELTECH SYSTEMS, INC.

Plaintiff,

v.

ITELLAS LLC,
ITELLAS COMMUNICATIONS, and
And JOHN DOES 2-20

Defendants.



COMPLAINT

COMPLAINT

Plaintiff, Teltech Systems Inc., a Delaware corporation ("TelTech" or "Plaintiff") hereby sues Defendants Itellas LLC, Itellas Communications, and Does 2-20 (jointly and severally known as "Defendants") and alleges as follows:

THE PARTIES

1. Plaintiff, TelTech is a corporation having a principal place of business at 1433 Hooper Avenue, Suite 129, Toms River, New Jersey 08753.
2. Upon information and belief, Defendant, Itellas LLC is a limited liability corporation having a place of business at 436 Horner Drive, Birmingham, Alabama 35206.
3. Upon information and belief, Defendant Itellas Communications does

business and functions as a d/b/a for Itellas LLC and also has a place of business at 436 Horner Drive, Birmingham, Alabama 35206.

4. Upon information and belief, Itellas LLC and Itellas Communications (jointly and severally known as "Itellas") are engaged in the business of providing caller ID changing services and conducts business throughout the United States, the State of New York, and the County of New York and via the internet at www.itellas.com (Exhibit 1 of the Complaint).

5. Defendants Does 2-10 are, upon information and belief, individuals who reside and/or conduct substantial business within this Judicial District. Further, Does 2-10 are directly and personally using, selling, contributing, inducing or offering for sale products or services as alleged herein as partners or suppliers to the named Defendants. Plaintiff is presently unaware of the true names of Does 2-10. Plaintiff will amend this Complaint upon discovery of the identities of such Defendants. Defendants Does 11-20 are, upon information and belief, business entities that reside and/or conduct substantial business within this Judicial District. Further, Does 11-20 are directly and personally contributing, inducing, offering for sale and/or engaging in the sale of products or offering services as alleged herein as principals, partners or suppliers to the named Defendants. Plaintiff is presently unaware of the true names of Does 11-20. Plaintiff will amend this Complaint upon discovery of the identities of such fictitious Defendants.

JURISDICTION AND VENUE

6. The jurisdiction of this Court arises under 28 U.S.C. §§ 1331 (federal question) and §§ 1338(a) (patent action).

7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 28 U.S.C. §§ 1400(b), for the reasons, inter alia, that Defendants do business in this district and have committed acts of infringement in this district.

PERSONAL JURISDICTION

8. On information and belief, the court has personal jurisdiction over Defendants based on New York's long-arm statute, C.P.L.R. 302 because the cause of action arises from acts enumerated under C.P.L.R. 302.

9. On information and belief, Defendants are subjected to jurisdiction based on Section 302(a)(1), 302(a)(2), and 302(a)(3) of the C.P.L.R.

10. On information and belief, Defendants directly or through their agents transact and has transacted business within the State of New York and has committed tortious acts within the State of New York causing injury to TelTech in the state of New York.

11. On information and belief, Defendants committed tortious infringement outside of the State of New York, causing injury to Plaintiff within the State of New York, and Defendants regularly do or solicit business or engages in other persistent course of conduct or derive substantial revenue from goods used or consumer or services rendered in the State of New York or reasonably expect or should have expected the act of violating Plaintiff's patent rights to have consequences in New York, and Defendants have derived substantial revenue from interstate commerce .

12. On information and belief, Defendants' activities constitute purposeful activities in New York in relation to the cause of action alleged.

PATENT INFRINGEMENT OF US PATENT NO. 7,664,242

13. On or about February 16, 2010, U.S. Patent No. 7,664,242, entitled SYSTEM AND METHOD FOR ANONYMOUS TELEPHONE COMMUNICATION (“the ‘242 Patent”) was duly and legally issued in the name of inventors, Eli Finkleman and Meir Cohen. At the time of issuance, the ‘242 patent was assigned to Plaintiff.

14. Plaintiff is the owner of the entire right, title, and interest in and to the ‘242 patent by virtue of its assignment from the above-referenced inventors.

15. Upon information and belief, Defendants have been using, without license or authority from Plaintiff, in this district and elsewhere in the United States, equipment that embodies the invention claimed in the ‘242 patent and is now infringing the ‘242 patent under 35 U.S.C. 271(a).

16. Upon information and belief, Defendants have been selling, offering for sale goods and its services that embody the invention claimed in the ‘242 patent.

17. Upon information and belief, Defendants have and will continue to induce others, including but not limited to customers, to infringe the ‘242 patent.

18. Plaintiff provided notice of its patent rights as set forth in the ‘242 patent in full compliance with the provisions of 35 USC 287(a). Upon information and belief, Defendants will continue to infringe and induce infringement of the ‘242 patent unless enjoined by this court.

19. Plaintiff has been damaged by the acts of infringement of the ‘242’ patent committed by Defendants and will continue to be damaged by that infringement, unless the infringement by Defendants is enjoined by this court.

20. Upon information and belief, Defendants have had actual knowledge of the specification and issued claims of the '242 patent, and its continuing infringement of the '242 patent is willful and deliberate.

JURY DEMAND

21. Plaintiff demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants as follows:

- (1) That Defendants, their officers, agents, servants, employees, representatives, attorneys and all persons acting in active concert or participation with it, be found to have infringed the valid U.S. Patent No. 7,664,242, and that the Court enter a preliminary and permanent injunction enjoining Defendants, their officers, agents, servants, employees, representatives, attorneys and all persons acting in active concert or participation with it from making, using, selling, or offering for sale products or services which infringe U.S. Patent No. 7,664,242;
- (2) That the Court enter a preliminary and permanent injunction enjoining Defendants, their officers, agents, servants, employees, representatives, attorneys and all persons acting in active concert or participation with it from inducing infringement of U.S. Patent

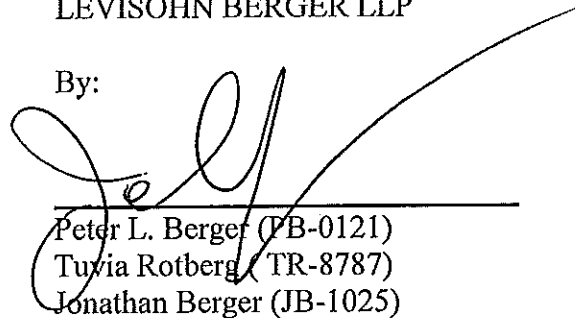
No. 7,664,242;

- (3) That Teltech be compensated for the damages caused by Defendants' infringement under 35 U.S.C. 284, in an amount to be precisely determined by an accounting, but not less than a reasonable royalty plus interest;
- (4) That the award of damages for this exceptional case be trebled as provided by 35 U.S.C. 284;
- (5) That Teltech be awarded its costs and attorneys fees incurred in prosecuting this action, as provided for by 35 U.S.C. 285, (plus interest); and
- (6) Such other and further relief as the court deems just and equitable.

Dated: March 11, 2011

LEVISOHN BERGER LLP

By:



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Attorneys for Plaintiff Teltech
Systems, LLC.

Exhibit 1 of the Complaint



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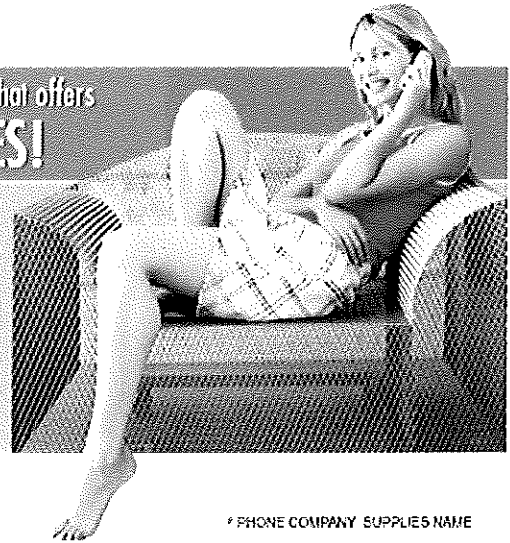


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STEP 1

STEP 2

STEP 3

STEP 4

STEP 5

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