

3. Defendant Sony Ericsson is registered in North Carolina as a foreign entity. It lists its registered agent for service of process in North Carolina as CAPITOL CORPORATE SERVICES, INC, 120 Penmarc Dr., Suite 118, Raleigh, NC 27603.

4. On information and belief, Defendant AT&T is incorporated under the laws of the state of Delaware with its principal place of business at Glenridge Highlands Two, 5565 Glenridge Connector, Atlanta, Georgia 30342. Upon information and belief, Defendant AT&T is a wireless services and products provider that offers for sale and sells Sony Ericsson mobile communication devices in the United States.

5. Defendant AT&T is registered in Massachusetts as a Foreign Limited Liability Company. It lists its resident agent for service of process in Massachusetts as: CT CORPORATION SYSTEM, 155 Federal St., Suite 700, Boston, MA 02110.

6. Upon information and belief, in 2007 AT&T changed its name to AT&T Mobility LLC from Cingular Wireless LLC.

JURISDICTION AND VENUE

7. This is an action for infringement of a United States Patent under 35 U.S.C. § 271. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

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

9. The Court has personal jurisdiction over Defendants under MASS. GEN. LAWS ch. 223A, § 3, including for the reason that Defendants, directly and/or through agents, transact business in Massachusetts; contract to supply services or things in Massachusetts; and commit acts of patent infringement, as more fully described below, in whole or in part in Massachusetts. Defendants, directly and/or through third-party manufacturers, manufacture or assemble products that are and have been offered for sale, sold, purchased, and used within Massachusetts. In

addition, Defendants, directly and/or through their distribution networks, regularly place their products within the stream of commerce, with the knowledge and/or understanding that such products will be sold in Massachusetts. As such, Defendants have purposefully availed themselves of the benefits of Massachusetts and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

FACTUAL BACKGROUND

10. On May 8, 1990, United States Patent No. 4,924,496 (“the ’496 patent”) for an “Automatic Incoming Telephone Call Originating Number and Party Display System,” was duly and lawfully issued by the U.S. Patent and Trademark Office (“USPTO”).

11. A true and accurate copy of the ’496 patent is attached hereto as Exhibit A and incorporated herein.

12. Figa is an inventor and the sole owner of all right, title, and interest in, to, and under the ’496 patent and all rights of recovery thereunder.

13. The ’496 patent expired on May 12, 2008.

14. Prior to the expiration of the ’496 patent, Figa became aware that Defendants were making, using, offering for sale, and/or selling mobile telephones which infringe the ’496 patent in the United States, and/or importing mobile telephones which infringe the ’496 patent into the United States.

15. On or around January 24, 2003, Figa informed Sony Ericsson that certain of its mobile telephones infringed the ’496 patent.

16. On or around August 1, 2005, Figa informed AT&T (then Cingular Wireless) that certain Sony Ericsson mobile telephones it was selling infringed the ’496 patent.

17. With respect to both Defendants, Figa attempted to resolve this dispute by offering a license to the '496 patent and engaged in extended negotiations relating thereto; no resolution was reached however.

18. Upon information and belief, Defendants have infringed one or more claims of the '496 patent by engaging in acts that constitute infringement under 35 U.S.C. § 271, including but not limited to making, using, selling, and/or offering to sell, in Massachusetts and throughout the United States, and/or importing into Massachusetts and elsewhere in the United States, mobile telephones, including but not limited to the Sony Ericsson Series "J," "K," "P," "R," "S," "T," "W," and/or "Z" mobile telephones.

19. On information and belief, at no time prior to its expiration did Defendants desist from infringing the '496 patent after being notified by Figa of their infringement thereof.

COUNT I

Infringement of the '496 Patent

20. Plaintiff Figa incorporates by reference paragraphs 1-19 above as though fully set out herein.

21. In violation of 35 U.S.C. § 271(a), Defendants engaged in acts of direct infringement of the '496 patent. Defendants' infringement was willful and deliberate.

22. In violation of 35 U.S.C. § 271(b), Defendants actively engaged in inducing infringement of the '496 patent. Defendants caused, urged, encouraged, and/or aided, with knowledge and specific intent, others to infringe the '496 patent.

23. By reason of the aforesaid infringement, Figa has been damaged and is entitled to damages adequate to compensate for the infringement by Defendants, but in no event less than a

reasonable royalty for the use made of the invention by Defendants together with interest and costs as provided under the terms and provisions of 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Figa respectfully requests this Court to grant the following relief, and any other relief the Court may deem proper, against Defendants:

1. Enter judgment in favor of Figa determining that Defendants directly infringed the '496 patent in violation of 35 U.S.C. § 271(a);
2. Enter judgment in favor of Figa determining that Defendants induced the infringement of the '496 patent in violation of 35 U.S.C. § 271(b);
3. Award Figa monetary damages for infringement, in an amount to be proven at trial;
4. Award Figa treble damages for willful infringement pursuant to 35 U.S.C. § 284; and
5. Award Figa prejudgment and post-judgment interest, attorneys' fees, costs, and such other and further relief as the Court may deem just and proper.

JURY DEMAND

Figa demands a trial by jury on all issues so triable.

Dated: March 4, 2011

Respectfully submitted,
ROMEK FIGA,
D/B/A ABRAHAM & SON
By his Attorneys,

/s/ Peter J. Karol

Lisa M. Tittlemore (BBO# 567941)

Jack C. Schechter (BBO# 652349)

Peter J. Karol (BBO# 660338)

SUNSTEIN KANN MURPHY &
TIMBERS LLP

125 Summer Street

Boston, Massachusetts 02110

Telephone: 617-443-9292

Facsimile: 617-443-0004

ltittlemore@sunsteinlaw.com

jschechter@sunsteinlaw.com

pkarol@sunsteinlaw.com

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