

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

02C 088 8

PHILIP S. JACKSON

Plaintiff,

v.

INFORMATION BROKERAGE SYSTEMS, INC.

Defendant.

JUDGE MENNELLY

Civil Action No.:

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

JURY DEMANDED

FILED-ED4
02 FEB -5 PM 3:19
U.S. DISTRICT COURT

COMPLAINT

Plaintiff brings this action for patent infringement against Defendant and alleges as follows:

1. Plaintiff, Philip S. Jackson ("Jackson"), is an individual having his residence in Park Ridge, Illinois.
2. Jackson is the sole owner of United States Patent No. B2 4,596,900 (See Exhibits A, B, and C).
3. On June 24, 1986, U.S. Patent No. 4,596,900 was duly and legally issued for an invention entitled "Phone-Line-Linked, Tone-Operated Control Device." (See Exhibit A)
4. U.S. Patent No. 4,596,900 has been reexamined twice by the U.S. Patent and Trademark Office (See Exhibits A, B, and C).
5. U.S. Patent No. B2 4,569,900 is presently in force (See Exhibit C - "the '900 Patent").
6. This action arises under the patent laws of the United States, Title 35 of the United States Code.

7. Subject matter jurisdiction is conferred on the Court pursuant to 28 U.S.C. §§ 1331 and/or 1338(a).
8. Personal jurisdiction lies in this Court over the Defendant pursuant to one or more sections of 735 ILCS §§ 5/2-201 through 5/2-213 and Rule 4(k) of the Federal Rules of Civil Procedure.
9. Venue lies in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b).
10. Defendant regularly and systematically conducts business within this district.
11. Defendant regularly and systematically engages in infringing activity within this district.

COUNT I

12. Plaintiff, Jackson, hereby charges Information Brokerage Systems, Inc. with infringement of U.S. Patent No. B2 4,569,900 under the patent laws of the United States, Title 35 of the United States Code, and realleges Paragraphs 1-11 of this Complaint.
13. Defendant, Information Brokerage Systems, Inc., is a corporation duly organized and existing under the laws of the State of Kansas.
14. Defendant, Information Brokerage Systems, Inc., has its principal place of business at 21425 West 83rd Street, Shawnee Mission, KS 66220.
15. Defendant, Information Brokerage Systems, Inc., has and continues to infringe one or more claims of the '900 Patent by at least using one or more automated interactive telephone systems to automate several operations of its business, and/or by offering its

actual and/or potential customers, and its customer's customers, access to at least one such system, through a telephone number 1-900-562-1000 Extension 4847 within this district, such systems embodying the elements of such claim(s) of the '900 Patent; and/or Defendant Information Brokerage Systems, Inc. is inducing the same or contributing to the same by performing these acts, and will continue to do so unless enjoined by this Court.

WHEREFORE, Plaintiff, Philip S. Jackson prays:

1. That this Court adjudge and decree that Defendant has infringed one or more of the claims of United States Patent No. B2 4,596,900;
2. That this Court permanently enjoin Defendant, their officers, agents, servants, employees, attorneys, successors, and assigns, and all others in active concert of participation with Defendant, from infringing one or more claims of the United States Patent No. B2 4,596,900;
3. That Plaintiff, Philip S. Jackson, be awarded damages, and in no event less than a reasonable royalty, for Defendants' infringement, and be awarded pre and post judgment interest for such damages, and that an accounting be ordered to account for such damages and interest therefore;
4. That Plaintiff, Philip S. Jackson be awarded costs, disbursements, and attorney fees for this action, including those pursuant to 35 U.S.C. §285; and

5. That Plaintiff, Philip S. Jackson be awarded such further relief as the Court may deem just and appropriate.

A trial by jury is demanded.

Philip S. Jackson

Date: February 5, 2002

By:



Bradford P. Lyerla

Micheal D. Lake

James P. Muraff

Gerry R. Fischer

WALLENSTEIN & WAGNER, LTD.

311 South Wacker Drive

53rd Floor

Chicago, IL 60606

312-554-3300

Attorneys for Plaintiff

SEE CASE
FILE FOR
EXHIBITS

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

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The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

PHILIP S. JACKSON
909 S. Clifton
Park Ridge, IL 60068

(b) County of Residence of First Listed Plaintiff Cook
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Bradford P. Lyerla
Wallenstein & Wagner, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606
(312) 554-3300 (SEE ATTACHMENT I.(c))

DEFENDANTS

Information Brokerage Systems, Inc.
21425 West 83rd Street
Shawnee Mission, KS 66220

County of Residence of First Listed Defendant JUDGE KENNELLY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Defendant)
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This ☐ 1 DEF ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4
of Business In Another State ☐ 6
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 340 Marine Liability <input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 365 Med. Malpractice Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ 12 USC 3410
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans of Veteran's Benefits	<input type="checkbox"/> 380 Other Personal	LABOR 710 Fair Labor Standards 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY 861 HIA (13950) 864 SSD Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. §271 et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

DATE

2/5/2002

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1-2

ATTACHMENT TO CIVIL COVER SHEET
ATTACHMENT "C"

ATTACHMENT I. Part C

Additional Attorneys:

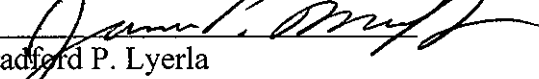
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312-554-3300
Attorneys for Plaintiff

139978.1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

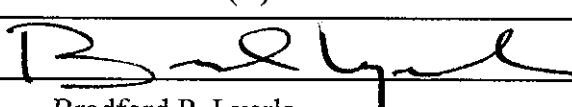
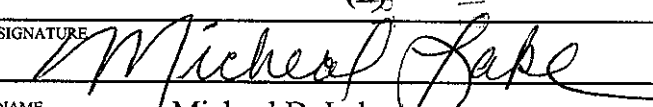
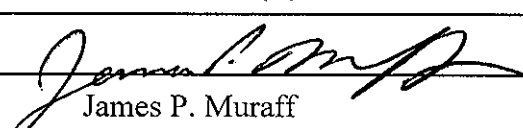
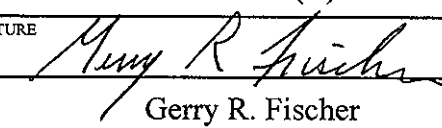
PHILIP S. JACKSON**V.****INFORMATION BROKERAGE SYSTEMS, INC.**

Case Number:

JUDGE KENNELLY**MAGISTRATE JUDGE****GERALDINE COAT BROWN**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

PHILIP S. JACKSON, Plaintiff

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Bradford P. Lyerla		NAME Micheal D. Lake	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 3,127,392		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6,197,755	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(C)		(D)	
SIGNATURE 		SIGNATURE 	
NAME James P. Muraff		NAME Gerry R. Fischer	
FIRM Wallenstein & Wagner, Ltd.		FIRM Wallenstein & Wagner, Ltd.	
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TELEPHONE NUMBER (312) 554-3300		TELEPHONE NUMBER (312) 554-3300	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6,225,693		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6,274,920	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
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