

5. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because the Defendant is subject to personal jurisdiction in this judicial district, and regularly conducts business in the state of Texas and in this judicial district, and Defendant has committed acts of infringement in this judicial district.

FACTS

6. Plant Equipment Inc. is the owner of United States Patent No. 6,744,858, issued on June 1, 2004 (the '858 Patent). The '858 was Reexamined by the USPTO and a Reexamination Certificate issued on December 2, 2008. A copy of the '858 patent and the Reexamination Certificate are attached as Exhibits A and B, respectively.

7. On information and belief, Defendant makes, uses and sells, or offers to make, use or sell, or otherwise provides throughout the United States and within the geographical area covered by the United States District Court for the Eastern District of Texas products and services (e.g., Intrado's Intelligent Emergency Network or "IEN"), which utilize the systems and methods described by the claims in the Reexamination Certificate for the '858 Patent.

CLAIM FOR INFRINGEMENT OF THE '858 PATENT

8. Plaintiff incorporates the foregoing paragraphs by reference as if fully set forth below.

9. The '858 Patent describes a system and method for routing incoming calls through the use of a central data manager over a wide area network to multiple call centers having multiple remote terminals.

10. The Defendant had prior notice and knowledge of the '858 patent and the Reexamination Certificate for the '858 patent, and continues to infringe, contributorily

infringe, and/or actively induce the infringement of the claims in the Reexamination Certificate for the '858 Patent by using, selling and offering for use or sale products and services (e.g., Intrado's Intelligent Emergency Network or "IEN") within this judicial district which incorporate technology claimed in the Reexamination Certificate for the '858 patent. Defendant is offering for sale or use, or selling or using these products without license or authority from Plant Equipment Inc. The claims of the Reexamination Certificate for the '858 patent are either literally infringed and/or infringed under the doctrine of equivalents. These actions by the Defendant are in violation of 35 U.S.C. § 271.

11. Upon Information and belief, Plaintiff alleges that the acts of infringement by the Defendant are willful, making this an exceptional case under 35 U.S.C. § 285.

DAMAGES

12. As a result of Defendant's acts of infringement, Plaintiff has suffered actual and consequential damages; however, Plaintiff does not yet know the full extent of such infringement and such extent cannot be ascertained except through discovery and special accounting. To the fullest extent permitted by law, Plaintiff seeks recovery of damages at least for lost profits, reasonable royalties, unjust enrichment, and benefits received by the Defendant as a result of using the misappropriated technology. Plaintiff seeks any other damages to which Plaintiff would be entitled in law or in equity.

13. Defendant's acts of infringement were committed intentionally, knowingly, and with callous disregard of Plaintiff's legitimate rights. Plaintiff is therefore entitled to and now seeks to recover exemplary damages in an amount not less than the maximum amount permitted by law.

ATTORNEY FEES

14. Plaintiff is entitled to recover reasonable and necessary attorneys fees under applicable law.

JURY DEMAND

15. Plaintiff demands a trial by jury pursuant to Fed. R. Civ. P. 38.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff asks that Defendant be cited to appear and answer and, on final trial, that Plaintiff have judgment against Defendant for the following:

- a. Patent infringement;
- b. Actual economic damages;
- c. Exemplary treble damages as allowed by law;
- d. Permanent injunction;
- e. Attorney fees;
- f. Pre-judgment and post-judgment interest as allowed by law;
- g. Costs of suit; and
- h. All other relief in law or in equity to which Plaintiff may show itself justly entitled.

Dated: December 22, 2009

Respectfully submitted,

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