

THE UNITED STATES DISTRICT COURT
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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COA NETWORK, INC.,

Plaintiff,

COMPLAINT

-against-

JURY TRIAL DEMANDED

J2 GLOBAL COMMUNICATIONS, INC.

Defendant.

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Plaintiff COA Network, Inc. (hereinafter "COA" or "Plaintiff"), by its undersigned attorneys, for its complaint against defendant J2 Global Communications, Inc. (hereinafter "J2" or "Defendant"), hereby alleges as follows:

NATURE OF ACTION

1. This lawsuit seeks to put an end to J2's unjustified accusations and allegations that Plaintiff's products and services infringe at least one of the claims of their patents (U.S. Patent Numbers 6,208,638, 6,350,066, 6,597,688 and 7,020,132, hereinafter referred to as "the J2 Patents"). J2's conduct has and continues to put Plaintiff under a reasonable and serious apprehension of litigation and has damaged Plaintiff's current and prospective business relations. With this lawsuit, Plaintiff seeks declaratory judgment that Plaintiff's does not infringe any of the claims of the J2 Patents, the J2 Patents are invalid and/or unenforceable, and Plaintiff seeks damages and injunctive relief.

THE PARTIES

2. Plaintiff is a corporation organized under the laws of the State of New Jersey with an address at 501 Hoes Lane, Suite 200, Piscataway, NJ 08854.

3. COA is an integrated solutions provider of unified messaging, hosted communications, conferencing, email marketing systems, CRM, contact management and sales automation applications.

4. Defendant is a corporation with a worldwide headquarters at 6922 Hollywood Boulevard Hollywood, CA 90028.

5. Upon information and belief, Defendant does business in the State of New Jersey and in this judicial district on a continuous and systematic basis.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code, and the Declaratory Relief Act.

7. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201(a).

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTUAL BACKGROUND

9. Upon information and belief, the J2 Patents are owned by the Defendant.

10. Notwithstanding the fact that the claims of the J2 Patents do not cover any of the technologies commercialized by the COA, Defendant has accused Plaintiff of infringement.

11. On or about November 13, 2009, COA received a letter claiming that it is infringing one or more claims of the J2 Patents.

12. COA is continuing to make, use, sell or offer for sale products and services that Defendant alleges infringe the J2 Patents. Because COA does not infringe the J2 Patents, the J2 Patents are unenforceable and/or invalid, COA has no intention to take a license under these patents.

13. COA is under a reasonable and serious apprehension that it will imminently be sued by Defendant for infringement of one or more of the claims of the J2 Patents. As a result, an actual controversy exists between Plaintiff and Defendant concerning whether the J2 Patents are not infringed, are invalid and/or unenforceable.

COUNT I

(Declaratory Judgment of Non-infringement)

14. Paragraphs 1 through 13 are incorporated by reference as if stated fully herein.

15. Plaintiff has not infringed any valid and enforceable claim of the J2 Patents.

16. Plaintiff seeks a declaration that its products do not literally or by the doctrine of equivalents infringe any valid claims of the J2 Patents.

COUNT II

(Declaratory Judgment of Invalidity)

17. Paragraphs 1 through 14 are incorporated by reference as if stated fully herein.

18. The claims of the J2 Patents are invalid for failure to meet the requirements of the patent laws of the United States, including 35 U.S.C. §§ 101, 102, 103 and/or 112.

19. Plaintiff seeks a declaration that the claims of the J2 PATENTS are invalid.

COUNT III

(Declaratory Judgment of Unenforceability)

20. Paragraphs 1 through 19 are incorporated by reference as if stated fully herein.

21. The J2 Patents are unenforceable under the doctrines of laches, waiver, estoppel, and acquiescence.

22. Plaintiff seeks a declaration that the J2 Patents are unenforceable.

DEMAND FOR JURY TRIAL

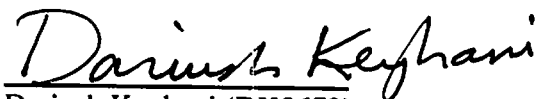
Pursuant to Rule 38(b) Fed. R. Civ. P., Plaintiff hereby demands a trial by jury for all issues triable of right by a jury in this case.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Enter an order declaring that Plaintiff has not, and does not infringe any valid and enforceable claim of the J2 Patents;
- B. Enter an order declaring that the claims of J2 Patents are invalid;
- C. Enter an order declaring that the J2 Patents are unenforceable;
- D. Enter an order declaring this an exceptional case pursuant to 35 U.S.C. § 285, and awarding Plaintiff its attorneys' fees, costs, and expenses; and
- E. Grant to Plaintiff such other and further relief as may be just and appropriate.

Dated: December 24, 2009

Respectfully submitted,



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