

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MORRIS REESE,

Plaintiff

v.

AT&T, Inc., Southwestern Bell
Telephone, L.P., Verizon
Communications Inc., GTE Southwest,
Inc.

Defendants

§
§
§
§
§
§
§
§
§
§

C.A. NO. 2:07cv219-DF

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff, Morris Reese ("Plaintiff"), files this First Amended Complaint against Defendants, AT&T, Inc. ("AT&T"), Southwestern Bell Telephone, L.P. ("AT&T Texas"), Verizon Communications Inc. ("Verizon"), and GTE Southwest, Incorporated ("Verizon Southwest"), and alleges as follows:

THE PARTIES

1. Plaintiff is an individual residing in Thousand Oaks, California.
2. AT&T, on information and belief, is a corporation organized under the laws of the State of Delaware. AT&T is doing business in Texas, and, on information and belief, has a principal place of business at 175 E. Houston St., San Antonio, TX 78205. AT&T may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

3. Southwestern Bell Telephone, L.P., on information and belief, is a corporation organized under the laws of the State of Texas, is doing business in Texas as “AT&T Texas,” and is a subsidiary of AT&T, Inc. AT&T Texas, on information and belief, has a business address at 530 McCullough, San Antonio, TX 78215. AT&T Texas may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.
4. Verizon, on information and belief, is a corporation organized under the laws of the State of Delaware. Verizon is doing business in Texas, and, on information and belief, has a principal place of business at 140 West Street, New York, New York 10007, and can be served with process by serving its registered agent, The Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.
5. GTE Southwest Incorporated, on information and belief, is a corporation organized under the laws of the State of Delaware, is doing business in Texas as “Verizon Southwest,” and is a subsidiary of Verizon Communications, Inc. Verizon Southwest, on information and belief, has a business address at 600 Hidden Ridge, Irving, Texas 75038, and can be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

JURISDICTION & VENUE

6. This is an action for infringement of at least one United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq., and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).

7. AT&T, upon information and belief, transacts business in this judicial district by providing services using the method described and claimed in United States Patent No. 6,868,150 (“the ‘150 patent”), the patent at issue in this lawsuit, and by conducting other business in this judicial district.
8. AT&T Texas, upon information and belief, transacts business in this judicial district by providing services using the method described and claimed in the ‘150 patent and by conducting other business in this judicial district.
9. Verizon, upon information and belief, transacts business in this judicial district through its wireline segment, which, according to its SEC filings “provides telephone services, including voice, network access and nationwide long-distance services, broadband video and data services, and other communications products and services”, including services provided using the method described and claimed in the ‘150 patent and by conducting other business in this judicial district.
10. Upon information and belief, Verizon’s basic residential telecommunications services are provided by its Mass Markets line of business under the Verizon Telecom segment of Verizon Communications Inc
11. Verizon Southwest, upon information and belief, transacts business in this judicial district by providing services using the method described and claimed in the ‘150 patent and by conducting other business in this judicial district.
12. Venue is proper in this court under Title 28 U.S.C. §§ 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

13. On March 15, 2005, the '150 patent, entitled "Method for Use With Caller ID System," was issued to Morris Reese. A true and correct copy of the '150 patent is attached as Exhibit A.
14. Pursuant to 35 U.S.C. § 282, the '150 patent is presumed valid.
15. Plaintiff, Morris Reese, is the owner and sole inventor of the '150 patent.
16. Claims 1, 7, 13, 18, 23, 25, 32 and 36 of the '150 patent are directed toward a method for sending caller identification ("caller ID") information, related to a third party, to a called station of a first party already engaged in a call with a second party, the method including receiving such caller ID information, sent from the originating central office of the third party, at the terminating central office serving the first party.
17. AT&T provides broadband, long distance, and local voice services across the United States. On information and belief, AT&T provides local telephone services, including CLASS service (Custom Local Area Signaling System) options, to millions of customers in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.
18. On information and belief, AT&T's wireline telephone service offers Call Waiting ID, which delivers caller ID information to a called station while already engaged in a call.
19. On information and belief, AT&T Texas provides local voice service in at least Texas.
20. On information and belief, AT&T Texas' wireline telephone service offers Call Waiting ID, which delivers caller ID information to a called station while already engaged in a call.

21. Verizon is also a provider of telecommunications services in the United States and, on information and belief, provides wireline service to customers in Arizona, California, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.
22. On information and belief, voice services provided by the Verizon Telecom segment of Verizon include “the provision of local exchange services, local private line, wire maintenance, voice messaging and value-added services. Value-added services are a family of services that expand the utilization of our network, including products such as Caller ID, Call Waiting and Return Call.”
23. On information and belief, Verizon’s wireline telephone service offers Call Waiting ID, which delivers caller ID information to a called station while already engaged in a call.
24. On information and belief, Verizon Southwest provides local voice service in at least Texas.
25. On information and belief, Verizon Southwest’s wireline telephone service offers Call Waiting ID, which delivers caller ID information to a called station while already engaged in a call.
26. AT&T, on information and belief, provides services that infringe at least claims 1, 7, 13, 18, 23, 25, 32 and 36 of the ‘150 patent, including for example and without limitation AT&T’s wireline telephone services offering Call Waiting ID, as well as any other telephone services performed in the manner described and claimed in the ‘150 patent.

27. Plaintiff provided notice to AT&T of its alleged infringement through both its subsidiary, Cingular Wireless, LLC, and its predecessor, SBC Communications, Inc., on April 13, 2005. See attached letters at Exhibit B.
28. AT&T Texas, on information and belief, provides services that infringe at least claims 1, 7, 13, 18, 23, 25, 32 and 36 of the '150 patent, including for example and without limitation AT&T Texas' wireline telephone services offering Call Waiting ID, as well as any other telephone services performed in the manner described and claimed in the '150 patent.
29. Verizon, on information and belief, provides services that infringe at least claims 1, 7, 13, 18, 23, 25, 32 and 36 of the '150 patent, including for example and without limitation Verizon's wireline telephone services offering Call Waiting ID, as well as any other telephone services performed in the manner described and claimed in the '150 patent.
30. Plaintiff provided notice to Verizon of its alleged infringement on April 13, 2005. See Exhibit C.
31. Verizon Southwest, on information and belief, provides services that infringe at least claims 1, 7, 13, 18, 23, 25, 32 and 36 of the '150 patent, including for example and without limitation Verizon Southwest's wireline telephone services offering Call Waiting ID, as well as any other telephone services performed in the manner described and claimed in the '150 patent.
32. The infringement alleged above has injured Plaintiff and thus, he is entitled to recover damages adequate to compensate for the infringement, which in no event can be less than a reasonable royalty.

33. Due to AT&T's infringement of the '150 patent, Plaintiff is entitled to a reasonable royalty based on AT&T's revenue from Call Waiting ID services.
34. Due to AT&T Texas' infringement of the '150 patent, Plaintiff is entitled to a reasonable royalty based on AT&T Texas' revenue from Call Waiting ID services.
35. Due to Verizon's infringement of the '150 patent, Plaintiff is entitled to a reasonable royalty based on Verizon's revenue from Call Waiting ID services.
36. Due to Verizon Southwest's infringement of the '150 patent, Plaintiff is entitled to a reasonable royalty based on Verizon Southwest's revenue from Call Waiting ID services.

DEMAND FOR JURY TRIAL

37. Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

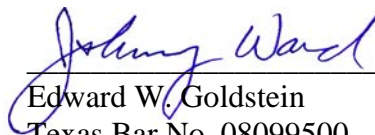
Wherefore, Plaintiff prays for entry of judgment:

- A. that Defendant, AT&T, has infringed one or more claims of the '150 patent;
- B. that Defendant, AT&T Texas, has infringed one or more claims of the '150 patent;
- C. that Defendant, Verizon, has infringed one or more claims of the '150 patent;
- D. that Defendant, Verizon Southwest, has infringed one or more claims of the '150 patent;
- E. that Defendant, AT&T, account for and pay to Plaintiff all damages caused by the infringement of the '150 patent, which by statute can be no less than a reasonable royalty;
- F. that Defendant, AT&T Texas, account for and pay to Plaintiff all damages caused by the infringement of the '150 patent, which by statute can be no less than a reasonable royalty;
- G. that Defendant, Verizon, account for and pay to Plaintiff all damages caused by the infringement of the '150 patent, which by statute can be no less than a reasonable royalty;

- H. that Defendant, Verizon Southwest, account for and pay to Plaintiff all damages caused by the infringement of the '150 patent, which by statute can be no less than a reasonable royalty;
- I. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants' infringement of the '150 patent;
- J. that Plaintiff be granted his attorneys' fees in this action;
- K. that costs be awarded to Plaintiff; and
- L. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

Date: 07/09/2007



Edward W. Goldstein
Texas Bar No. 08099500
GOLDSTEIN, FAUCETT & PREBEG, L.L.P.
1177 West Loop South, Suite 400
Houston, TX 77027

T. John Ward, Jr.
Texas Bar No. 00794818
WARD & SMITH LAW FIRM
111 W. Tyler Street
Longview, Texas 75601
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

Samuel F. Baxter
Texas Bar No.
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4016

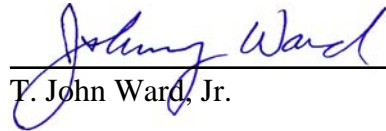
Facsimile: (214) 978-4944

Christopher M. Faucett
Texas Bar No. 00795198
Corby R. Vowell
Texas Bar No. 24031621
Holly H. Barnes
Texas Bar No. 24045451
GOLDSTEIN, FAUCETT & PREBEG, L.L.P.
1177 West Loop South, Suite 400
Houston, TX 77027
Telephone: (713) 877-1515
Facsimile: (713) 877-1737

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by e-mail via the Eastern District of Texas ECF System to all counsel of record on this the 9th day of July, 2007.



T. John Ward, Jr.