

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

---

NOBELBIZ, INC.

Plaintiff,

v.

AIRESPRING, INC.

Defendant.

---

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff, NobelBiz, Inc. (“NobelBiz”), by and through its counsel, Capshaw DeRieux, L.L.P. and Gibbons P.C., as for its Complaint against Defendant, AireSpring, Inc. (hereafter referred to as “Defendant”), states as follows:

**THE PARTIES**

1. Plaintiff NobelBiz is a privately held company incorporated under the laws of the State of Delaware, and having its principal place of business at 5973 Avenida Encinas, Suite 202, Carlsbad, California 92008. NobelBiz is a provider of telecommunications solutions to call centers worldwide.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Virginia, and having its principal place of business at 6060 Sepulveda Boulevard, Second Floor, Van Nuys, California 91411.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1, *et seq.*

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because of its continuous and systematic business contacts with the state of Texas.

6. Venue is appropriate in this district pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or 28 U.S.C. § 1400(b).

### **NOBELBIZ'S PATENT**

7. On March 1, 2011, the United States Patent and Trademark Office (“USPTO”) issued United States Patent No. 7,899,169 (“the ‘169 patent”), entitled “SYSTEM AND METHOD FOR MODIFYING COMMUNICATION INFORMATION (MCI).” A copy of the ‘169 patent is attached hereto as Exhibit A.

8. NobelBiz is the assignee of the ‘169 patent.

9. By way of a general description, the ‘169 patent discloses a method for processing a telephone call between two parties, where the telephone call contains information about a calling party and a receiving party. An entry in a database (i.e., a carrier network of a telecommunication provider) is identified that matches calling party information with receiving party information, and for which a predetermined rule is satisfied. Next, a telephone number associated with the match in the database entry is selected, and that telephone number is transmitted to the receiving party. *See, e.g.*, the ‘169 patent, col. 1, ll. 45-56.

10. In practice, the invention of the ‘169 patent allows a calling party in one geographical location to call a receiving party in another geographical location, and for the caller identification (“caller ID”) or calling party number (“CPN”) (collectively hereafter, “caller ID”) of that call to appear to the receiving party as a telephone number from the receiving party’s geographical region.

11. NobelBiz has embodied features of the '169 patent in its LocalTouch™ service.

12. LocalTouch™ is designed to enhance the effectiveness of outbound teleservice call centers and for example, collection agencies, by increasing contact rates between calling parties and receiving parties.

13. For example, by implementing the novel process of the '169 patent, LocalTouch™ has been shown to increase contact rates between calling parties and receiving parties by over thirty percent (30%).

14. LocalTouch™ has been recognized by the industry as a pioneering service on multiple occasions. For example, in 2008, LocalTouch™ received the prestigious Technovation Award from the American Teleservices Association “[f]or its unique approach to delivering calls to many locations through many levels of redundancy and for its ability to allow a customer to choose their telephony infrastructure.”

### **DEFENDANT’S INFRINGING SYSTEM**

15. Defendant is a telecommunications provider with a national network.

16. Upon information and belief, Defendant offers a local caller ID management service.

17. Upon information and belief, Defendant also offers a service to call centers called “National Presence.”

18. Hereinafter, Defendant’s local caller ID management service and National Presence service are referred to as the “AireSpring Service.”

19. Upon information and belief, the AireSpring Service is a caller ID modifying service.

20. Upon information and belief, the AireSpring Service modifies the caller ID for an outgoing telephone call to appear as a local number to the recipient of that call (i.e., the receiving party).

21. Upon information and belief, the AireSpring Service modifies or “inserts” an automatic number identification (“ANI”) to the outgoing caller ID based on a comparison of the geographical location of the calling party (e.g., a call center) to the geographical location of the receiving party.

22. Upon information and belief, Defendant’s AireSpring Service practices each and every limitation of the claims of the ‘169 patent.

23. Upon information and belief, Defendant is knowingly and willfully, directly and indirectly infringing the ‘169 patent by offering to sell and selling its AireSpring Service in the United States, including within this judicial district.

**COUNT I – PATENT INFRINGEMENT OF THE ‘169 PATENT**

24. NobelBiz restates and incorporates by reference paragraphs 1 through 23 as if stated fully herein.

25. Upon information and belief, and in violation of 35 U.S.C. § 271(a), Defendant has, literally and under the doctrine of equivalents, infringed the ‘169 patent and still is, literally and under the doctrine of equivalents, infringing the ‘169 patent, by, among other things, making, using, offering for sale, and/or selling its AireSpring Service , and will continue to do so unless such infringing activities are enjoined by this Court.

26. Prior to this lawsuit, Defendant had knowledge of NobelBiz’s ‘169 patent.

27. Upon information and belief, and in violation of 35 U.S.C. § 271(b), Defendant has actively induced others to infringe one or more claims of the ‘169 patent in this district and elsewhere in the United States. Defendant knowingly induced infringement and possessed

specific intent to encourage another's infringement which led to direct infringement by a third party, e.g., call centers, by use of its AireSpring Service, and by soliciting end users to purchase and use the AireSpring Service, in this district and elsewhere in the United States.

28. NobelBiz will be substantially and irreparably harmed if Defendant's infringement of the '169 patent is not enjoined. Plaintiffs do not have an adequate remedy at law.

29. NobelBiz is entitled to recover from Defendant the damages sustained as a result of Defendant's infringing acts.

30. Plaintiff demands trial by jury of all issues so triable.

#### **PRAYER FOR RELIEF**

Plaintiffs request that:

- (a) Judgment be entered that Defendant has infringed the '169 patent;
- (b) Judgment be entered that Defendant's infringement of the '169 patent was willful;
- (c) An accounting be had for the damages resulting from Defendant's infringement of the '169 patent, including, without limitation, lost profits caused by the infringing activities of Defendant, and that the damages so ascertained be trebled and awarded together with interest and costs;
- (d) Judgment be entered that this is an exceptional case, and that NobelBiz is entitled to its reasonable attorney fees pursuant to 35 U.S.C. § 285;
- (e) A permanent injunction be issued, restraining and enjoining Defendant, its officers, agents, attorneys, and employees, and those acting in privity or concert with them, from

engaging in the commercial manufacture, use, offer for sale, or sale within the United States, or importation into the United States, of systems claimed in the '169 patent; and

(f) The Court award such other and further relief as the Court may deem just and proper under the circumstances.

DATED: April 3, 2012

By: /s/ S. Calvin Capshaw

S. Calvin Capshaw  
Texas Bar No. 03783900  
Elizabeth L. DeRieux  
Texas Bar No. 05770585  
D. Jeffrey Rambin  
Texas Bar No. 00791478  
**Capshaw DeRieux LLP**  
114 E Commerce Avenue  
Gladewater, TX 75647  
Telephone: (903) 233-4816  
Facsimile: (903) 236-8787  
Email: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
Email: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
Email: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

Of Counsel:

Ralph A. Dengler  
Charles H. Chevalier  
William A. Hector  
GIBBONS, P.C.  
One Gateway Center  
Newark, NJ 07102  
Phone: (973) 596-4825  
Facsimile: (973) 639-6381  
Email: [rdengler@gibbonslaw.com](mailto:rdengler@gibbonslaw.com)  
Email: [cchevalier@gibbonslaw.com](mailto:cchevalier@gibbonslaw.com)  
Email: [whector@gibbonslaw.com](mailto:whector@gibbonslaw.com)

*Attorneys for Plaintiff*  
*NobelBiz, Inc.*