

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

DENNIS FERNANDEZ,) Case No.
)
Plaintiff,)
) COMPLAINT FOR PATENT
v.) INFRINGEMENT
)
INTERCALL, INC.)
) JURY TRIAL DEMANDED
Defendant.)
)
)
)

Plaintiff, Dennis Fernandez, complains of Defendant InterCall, Inc. and alleges as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

2. Dennis Fernandez is a resident of Atherton, California, located in San Mateo County, California.

3. The patent-in-suit is U.S. Patent No. 7,221,387 entitled “Digital Television With Subscriber Conference Overlay,” which issued on May 22, 2007 (the “’387 Patent,” Exhibit A). The ‘387 patent generally covers devices and methods for on-line conferencing.

4. Dennis Fernandez owns and has all right, title and interest in the ‘387 Patent, including all claims for damages by reason of past, present or future infringement, with the right to sue for and collect damages for the same and, therefore, has standing to sue for infringement of the ‘387 Patent.

5. InterCall, Inc. (“InterCall”) is a Delaware Corporation with its headquarters located in Chicago, Illinois. InterCall designs, develops, offers for sale and sells nationwide,

including, upon information and belief, substantial business in this district, products or services that are covered by claims 17 and 75 of the '387 Patent, including InterCall Unified Meeting.

JURISDICTION AND VENUE

6. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because InterCall transacts business in this district and have committed acts of infringement in this judicial district.

PATENT INFRINGEMENT

8. InterCall has made, used, sold, offered for sale, and/or imported products with on-line conferencing capabilities, including but not limited to the InterCall Unified Meeting product. These acts by InterCall have directly infringed at least claims 17 and 75 of the '387 Patent.

9. InterCall has also committed and unless ceased upon filing of this Complaint, will continue to commit acts that constitute, with its knowledge of the '387 Patent, knowing and intentional inducement of infringement of at least claims 17 and 75 of the '387 Patent by others within the meaning of 35 U.S.C. §271(b) through, among other things, its acts of providing on-line conferencing capabilities through at least its InterCall Unified Meeting product, and demonstrating and instructing users of InterCall Unified Meeting how to install and utilize the InterCall Unified Meeting through, for example, on-line videos available through its web site, www.intercall.com, or through other user guides or manuals. InterCall has committed, and will continue to commit, these acts with knowledge of the '387 patent and with knowledge of infringement of these patents through the use of InterCall Unified Meeting by InterCall and other users. InterCall has had this knowledge since, at the latest, September 9, 2011. Users of InterCall Unified Meeting, in turn, who have used such products directly infringe at least claims 17 and 75 of the '387 Patent within the meaning of 35 U.S.C. §271(a) through the use and operation of InterCall Unified Meeting.

10. The defendant's direct infringement and/or inducement to infringe has injured Dennis Fernandez, and Dennis Fernandez is entitled to recover damages adequate to compensate him for such infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Dennis Fernandez, respectfully requests this Court enter judgment against defendant and against its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of final judgment in favor of Dennis Fernandez;
- B. An award of damages adequate to compensate Dennis Fernandez for the infringement which has occurred, together with prejudgment interest from the date infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284; and
- C. Such other further relief as this Court or a jury may deem proper.

JURY DEMAND

Dennis Fernandez demands a trial by jury on all issues presented in this Complaint.

Dated: October 7, 2011

Respectfully submitted,

By: /s/Paul K. Vickrey

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