

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CYBERFONE SYSTEMS, LLC (formerly  
known as LVL PATENT GROUP, LLC),

Plaintiff,

v.

CISCO SYSTEMS, INC.; AVAYA INC.;  
AASTRA USA INC.; AUDIOCODES, INC.;  
ALCATEL-LUCENT USA INC.; MITEL  
BUSINESS SYSTEMS, INC.; NEC  
CORPORATION OF AMERICA;  
SHORETEL, INC.; SIEMENS ENTERPRISE  
COMMUNICATIONS, INC.; TADIRAN  
TELECOM LTD.; TOSHIBA AMERICA  
INFORMATION SYSTEMS, INC.; and  
VERTICAL COMMUNICATIONS, INC.,

Defendants.

C.A. No. 11-830-SLR

**DEMAND FOR JURY TRIAL**

**FIRST AMENDED COMPLAINT**

Plaintiff CyberFone Systems, LLC (“CyberFone”), formerly known as LVL Patent Group, LLC, alleges as follows:

**PARTIES**

1. CyberFone is a Virginia limited liability company with its principal place of business at 2331 Mill Road, Suite 100, Alexandria, Virginia 22314.

2. Defendant Cisco Systems, Inc. (“Cisco”) is a California corporation with its principal place of business at 170 West Tasman Drive, San Jose, California 95134. Cisco has appointed The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

3. Defendant Avaya Inc. (“Avaya”) is a Delaware corporation with its principal place of business located at 211 Mount Airy Road, Basking Ridge, New Jersey 07920. Avaya has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

4. Defendant Aastra USA Inc. (“Aastra”) is a Delaware corporation with its principal place of business in 2811 Internet Boulevard, Frisco, Texas 75034. Aastra has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

5. Defendant AudioCodes, Inc. (“AudioCodes”) is a Delaware corporation with its principal place of business at 27 World’s Fair Drive, Somerset, New Jersey 08873. AudioCodes has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

6. Defendant Alcatel-Lucent USA Inc. (“Alcatel-Lucent”) is a Delaware corporation with its principal place of business at 600-700 Mountain Avenue, Murray Hill, New Jersey 07974. Alcatel-Lucent has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its registered agent for service of process.

7. Defendant Mitel Business Systems, Inc. (“Mitel”) is an Arizona corporation with a principal place of business at 7300 West Boston Street, Chandler, Arizona 85226. Mitel has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

8. Defendant NEC Corporation of America (“NEC”) is a Nevada Corporation with a principal place of business at 6535 North State Highway 161, Irving, Texas 75039. NEC has appointed National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904, as its agent for service of process.

9. Defendant ShoreTel, Inc. (“ShoreTel”) is a Delaware corporation with its principal place of business at 960 Stewart Drive, Sunnyvale, California 94085. ShoreTel has appointed Incorporating Services, Ltd., 3500 South Dupont Highway, Dover, Delaware 19901, as its agent for service of process.

10. Defendant Siemens Enterprise Communications, Inc. (“Siemens”) is a Delaware corporation with a principal place of business at 5500 Broken Sound Boulevard, Boca Raton,

Florida 33487. Siemens has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

11. Defendant Tadiran Telecom Ltd. (“Tadiran”) is a New York corporation with its principal place of business at 265 Executive Drive, Suite 250, Plainview, New York 11803. Tadiran has appointed Alexander Khesin, 909 West Ivy Hill Road, Woodmere, New York 11598, as its agent for service of process.

12. Defendant Toshiba America Information Systems, Inc. (“Toshiba”) is a California corporation with its principal place of business at 9740 Irvine Boulevard, Irvine, California 92618. Toshiba has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

13. Defendant Vertical Communications, Inc. (“Vertical”) is a Delaware corporation with its principal place of business at 3940 Freedom Circle, Santa Clara, California 95054. Vertical has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

#### JURISDICTION AND VENUE

14. This action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

15. Venue is proper in this district under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because each defendant is subject to personal jurisdiction in this district, has committed acts of patent infringement in this district, or has a regular and established place of business in this district.

#### COUNT I

##### (Infringement of U.S. Patent No. 7,334,024)

16. CyberFone is the owner by assignment of United States Patent No. 7,334,024 (“the ‘024 patent”), entitled “System for Transmission of Voice and Data Over the Same

Communication Lines.” The ‘024 patent issued on February 19, 2001. A true and correct copy of the ‘024 patent is attached hereto as Exhibit A.

17. Cisco has infringed and still is infringing at least claims 16 and 28 of the ‘024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its Cisco Unified Application Server 2.4, Cisco Unified Communications 520, Cisco BTS 10200 Softswitch, Cisco MCS 7845-H2 Unified Communications Manager Appliance, Cisco Unified Wireless IP Phone 7920 Version 3.0, and Cisco SPA501G 8-Line IP Phone, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

18. Avaya has infringed and still is infringing at least claims 16 and 28 of the ‘024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to HP ProLiant DL 360 G7 server, Dell PowerEdge R610 server, Avaya Communication Server 1000M, Avaya 1100 Series IP Deskphones, Avaya 1692 IP Speakerphone, and Avaya IP Wireless Phones, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

19. Aastra has infringed and still is infringing at least claims 16 and 28 of the ‘024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its AastraLink Pro 160 system, Aastra 6730i IP Phone, Dialog 4425 IP Vision telephone, and Aastra 6721ip IP Phone, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

20. AudioCodes has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its Mediant 1000 VoIP Media Gateway, Mediant 8000 VoIP Media Gateway, Mediant 800 Enterprise Session Border Controller, IPmedia 3000, and 320HD IP Phone, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

21. Alcatel-Lucent has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its OmniPCX Enterprise Communication Server, OmniPCX Office Communication Server, 8 Series IP Touch Phones, 9 Series Digital Phones, IP Desktop Softphone, OmniDesktop 4980 Softphone, OmniTouch 8082 MyIC Phone, and PIMphony phone system, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

22. Mitel has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its Mitel 3300 Controllers, Mitel 5000 Communications Platform, Mitel Axxess, Mitel SX-200 IP Communications Platform, Mitel 5312 IP Phone, Mitel 8602 Softphone, and Mitel Unified Communicator (UC) Advanced Softphone, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

23. NEC has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to Univerge SV8100 Communications Server, WLAN Voice Gateway, DT700 Series IP Terminals, SMB Wireless (ML 440), Univerge SV8000 Series Digital DECT Terminals, Polycom VVX 500, Polycom SoundPoint IP 650, Polycom SoundStation IP 7000, Polycom SoundPoint IP Color Expansion Module, and Polycom VVX 1500 D phone, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

24. ShoreTel has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its ShoreTel Voice Switch 120, ShoreTel Voice Switch 220E1, ShoreTel Voice Switch 30BRI, ShoreTel InGate SIParator, ShoreTel Voice Switch E1k, ShoreTel IP Phone 110, and ShoreTel IP Phone 560g, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

25. Siemens has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to its HiPath 1100 telephony system, HiPath Cordless IP, OpenStage 80 phone, optiPoint 420 and advance S phone, optiPoint 410 economy plus S phone, optiPoint WL2 professional S, and Gigaset S400 professional phone system, and services for transacting data between an IP phone, a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

26. Tadiran has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to Coral Sea Softswitch, Coral IPx 500 communications server, Coral FlexAir, FlexSets for Coral IPx, Tadiran P-Series Desktop Business Telephones, and T200 IP Telephones, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

27. Toshiba has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to Toshiba Strata CIX 40 IP communications system, Toshiba IPledge EP server, Toshiba IP5000 Series telephones, Toshiba Strata CIX DP5000 Series digital telephones, Toshiba Cordless Digital Telephones, and Polycom Wireless Telephones, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

28. Vertical has infringed and still is infringing at least claims 16 and 28 of the '024 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices having a display and input interface for communicating with a network across a communication line, including but not limited to Edge 5000 series phones, Edge 700 series phones, Edge 8000 series phones, SBX IP phones, Nomad SoftPhone, DECT Cordless Telephone, ViewPoint Soft Phone, Vertical Wave IP systems, Vertical MBX IP systems, Vertical SBX IP systems, and services for transacting data between an IP phone and a data network across a communication line, using an IP phone, a network services platform, and supporting equipment.

29. As a result of each Defendant's infringement of the '024 patent, CyberFone has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each Defendant's infringing activities are enjoined by this Court.

30. Unless a permanent injunction is issued enjoining each Defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '024 patent, CyberFone will suffer irreparable harm.

## COUNT II

### (Infringement of U.S. Patent No. 6,044,382)

31. CyberFone is the owner by assignment of United States Patent No. 6,044,382 ("the '382 patent"), entitled "Data Transaction Assembly Server." The '382 patent issued on March 28, 2000. A true and correct copy of the '382 patent is attached hereto as Exhibit B.

32. Cisco has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, its Cisco Unified Application Server 2.4, Cisco Unified Communications 520, Cisco BTS 10200 Softswitch, Cisco MCS 7845-H2 Unified Communications Manager Appliance, Cisco Unified Wireless IP Phone 7920 Version 3.0, and Cisco SPA501G 8-Line IP Phone.

33. Avaya has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, its HP ProLiant DL 360 G7 server, Dell PowerEdge



R610 server, Avaya Communication Server 1000M, Avaya 1100 Series IP Deskphones, Avaya 1692 IP Speakerphone, and Avaya IP Wireless Phones.

34. Aastra has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, its AastraLink Pro 160 system, Aastra 6730i IP Phone, Dialog 4425 IP Vision telephone, and Aastra 6721ip IP Phone.

35. AudioCodes has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, its Mediant 1000 VoIP Media Gateway, Mediant 8000 VoIP Media Gateway, Mediant 800 Enterprise Session Border Controller, IPmedia 3000, and 320HD IP Phone.

36. Alcatel-Lucent has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, OmniPCX Enterprise Communication Server, OmniPCX Office Communication Server, 8 Series IP Touch Phones, 9 Series Digital Phones, IP Desktop Softphone, OmniDesktop 4980 Softphone, OmniTouch 8082 MyIC Phone, and PIMphony phone system.

37. Mitel has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, Mitel 3300 Controllers, Mitel 5000 Communications Platform, Mitel Axxess, Mitel SX-200 IP Communications Platform, Mitel 5312 IP Phone, Mitel 8602 Softphone, and Mitel Unified Communicator (UC) Advanced Softphone.

38. NEC has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, Univerge SV8100 Communications Server, WLAN Voice Gateway, DT700 Series IP Terminals, SMB Wireless (ML 440), Univerge SV8000 Series Digital DECT Terminals, Polycom VVX 500, Polycom SoundPoint IP 650, Polycom SoundStation IP 7000, Polycom SoundPoint IP Color Expansion Module, and Polycom VVX 1500 D phone.

39. ShoreTel has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, ShoreTel Voice Switch 120, ShoreTel Voice Switch 220E1, ShoreTel Voice Switch 30BRI, ShoreTel InGate SIParator, ShoreTel Voice Switch E1k, ShoreTel IP Phone 110, and ShoreTel IP Phone 560g.

40. Siemens has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, HiPath 1100 telephony system, HiPath Cordless IP, OpenStage 80 phone, optiPoint 420 and advance S phone, optiPoint 410 economy plus S phone, optiPoint WL2 professional S, and Gigaset S400 professional phone system.

41. Tadiran has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, Coral Sea Softswitch, Coral IPx 500 communications server, Coral FlexAir, FlexSets for Coral IPx, Tadiran P-Series Desktop Business Telephones, and T200 IP Telephones.

42. Toshiba has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, Toshiba Strata CIX 40 IP communications system, Toshiba IPledge EP server, Toshiba IP5000 Series telephones, Toshiba Strata CIX DP5000 Series digital telephones, Toshiba Cordless Digital Telephones, and Polycom Wireless Telephones.

43. Vertical has infringed and still is infringing at least claims 1 and 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell,

or importing communication devices that include a data transaction assembly server and a data transaction processing system that transacts data between an IP phone and a data network across a communication line, using an IP phone and network services platform and supporting equipment, including but not limited to, Edge 5000 series phones, Edge 700 series phones, Edge 8000 series phones, SBX IP phones, Nomad SoftPhone, DECT Cordless Telephone, ViewPoint Soft Phone, Vertical Wave IP systems, Vertical MBX IP systems, Vertical SBX IP systems.

44. As a result of each Defendant's infringement of the '382 patent, CyberFone has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each Defendant's infringing activities are enjoined by this Court.

45. Unless a permanent injunction is issued enjoining each Defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '382 patent, CyberFone will suffer irreparable harm.

### COUNT III

#### (Infringement of U.S. Patent No. 5,987,103)

46. CyberFone is the owner by assignment of United States Patent No. 5,987,103 ("the '103 patent"), entitled "Telephone/Transaction Entry Device and System for Entering Transaction Data Into Databases." The '103 patent issued on November 16, 1999. A true and correct copy of the '103 patent is attached hereto as Exhibit C.

47. Cisco has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its Cisco Unified Application Server 2.4, Cisco Unified Communications 520, Cisco BTS 10200 Softswitch, Cisco MCS 7845-H2 Unified Communications Manager Appliance, Cisco Unified Wireless IP Phone 7920 Version 3.0, and Cisco SPA501G 8-Line IP Phone.

48. Avaya has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, HP ProLiant DL 360 G7 server, Dell PowerEdge R610 server, Avaya Communication Server 1000M, Avaya 1100 Series IP Deskphones, Avaya 1692 IP Speakerphone, and Avaya IP Wireless Phones.

49. Aastra has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its AastraLink Pro 160 system, Aastra 6730i IP Phone, Dialog 4425 IP Vision telephone, and Aastra 6721ip IP Phone.

50. AudioCodes has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its Mediant 1000 VoIP Media Gateway, Mediant 8000 VoIP Media Gateway, Mediant 800 Enterprise Session Border Controller, IPmedia 3000, and 320HD IP Phone.

51. Alcatel-Lucent has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, OmniPCX Enterprise Communication Server, OmniPCX Office Communication Server, 8 Series IP Touch Phones, 9 Series Digital Phones, IP Desktop

Softphone, OmniDesktop 4980 Softphone, OmniTouch 8082 MyIC Phone, and PIMphony phone system.

52. Mitel has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its Mitel 3300 Controllers, Mitel 5000 Communications Platform, Mitel Axxess, Mitel SX-200 IP Communications Platform, Mitel 5312 IP Phone, Mitel 8602 Softphone, and Mitel Unified Communicator (UC) Advanced Softphone.

53. NEC has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, Univerge SV8100 Communications Server, WLAN Voice Gateway, DT700 Series IP Terminals, SMB Wireless (ML 440), Univerge SV8000 Series Digital DECT Terminals, Polycom VVX 500, Polycom SoundPoint IP 650, Polycom SoundStation IP 7000, Polycom SoundPoint IP Color Expansion Module, and Polycom VVX 1500 D phone.

54. ShoreTel has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its ShoreTel Voice Switch 120, ShoreTel Voice Switch 220E1, ShoreTel Voice Switch 30BRI, ShoreTel InGate SIParator, ShoreTel Voice Switch E1k, ShoreTel IP Phone 110, and ShoreTel IP Phone 560g.

55. Siemens has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP

phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its HiPath 1100 telephony system, HiPath Cordless IP, OpenStage 80 phone, optiPoint 420 and advance S phone, optiPoint 410 economy plus S phone, optiPoint WL2 professional S, and Gigaset S400 professional phone system.

56. Tadiran has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, Coral Sea Softswitch, Coral IPx 500 communications server, Coral FlexAir, FlexSets for Coral IPx, Tadiran P-Series Desktop Business Telephones, and T200 IP Telephones.

57. Toshiba has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, its Toshiba Strata CIX 40 IP communications system, Toshiba IPledge EP server, Toshiba IP5000 Series telephones, Toshiba Strata CIX DP5000 Series digital telephones.

58. Vertical has infringed and still is infringing at least claims 1 and 18 of the '103 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display, a telephone circuit, a database server, and a data transaction assembler, including but not limited to, Edge 5000 series phones, Edge 700 series phones, Edge 8000 series phones, SBX IP phones, Nomad SoftPhone, DECT Cordless Telephone, ViewPoint Soft Phone, Vertical Wave IP systems, Vertical MBX IP systems, Vertical SBX IP systems.

59. As a result of each Defendant's infringement of the '103 patent, CyberFone has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each Defendant's infringing activities are enjoined by this Court.

60. Unless a permanent injunction is issued enjoining each Defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '103 patent, CyberFone will suffer irreparable harm.

#### COUNT IV

##### (Infringement of U.S. Patent No. 5,805,676)

61. CyberFone is the owner by assignment of United States Patent No. 5,805,676 ("the '676 patent"), entitled "Telephone/Transaction Entry Device and System for Entering Transaction Data Into Databases." The '676 patent issued on September 8, 1998. A true and correct copy of the '676 patent is attached hereto as Exhibit D.

62. Cisco has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Cisco Unified Application Server 2.4, Cisco Unified Communications 520, Cisco BTS 10200 Softswitch, Cisco MCS 7845-H2 Unified Communications Manager Appliance, Cisco Unified Wireless IP Phone 7920 Version 3.0, and Cisco SPA501G 8-Line IP Phone.

63. Avaya has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, HP ProLiant DL 360 G7 server, Dell PowerEdge R610 server, Avaya Communication Server 1000M, Avaya 1100 Series IP Deskphones, Avaya 1692 IP Speakerphone, and Avaya IP Wireless Phones.



64. Aastra has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, AastraLink Pro 160 system, Aastra 6730i IP Phone, Dialog 4425 IP Vision telephone, and Aastra 6721ip IP Phone.

65. AudioCodes has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Mediant 1000 VoIP Media Gateway, Mediant 8000 VoIP Media Gateway, Mediant 800 Enterprise Session Border Controller, IPmedia 3000, and 320HD IP Phone.

66. Alcatel-Lucent has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, OmniPCX Enterprise Communication Server, OmniPCX Office Communication Server, 8 Series IP Touch Phones, 9 Series Digital Phones, IP Desktop Softphone, OmniDesktop 4980 Softphone, OmniTouch 8082 MyIC Phone, and PIMphony phone system.

67. Mitel has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Mitel 3300 Controllers, Mitel 5000 Communications Platform, Mitel Axxess, Mitel SX-200 IP Communications Platform, Mitel

5312 IP Phone, Mitel 8602 Softphone, and Mitel Unified Communicator (UC) Advanced Softphone.

68. Defendant NEC has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Univerge SV8100 Communications Server, WLAN Voice Gateway, DT700 Series IP Terminals, SMB Wireless (ML 440), Univerge SV8000 Series Digital DECT Terminals, Polycom VVX 500, Polycom SoundPoint IP 650, Polycom SoundStation IP 7000, Polycom SoundPoint IP Color Expansion Module, and Polycom VVX 1500 D phone.

69. ShoreTel has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, ShoreTel Voice Switch 120, ShoreTel Voice Switch 220E1, ShoreTel Voice Switch 30BRI, ShoreTel InGate SIParator, ShoreTel Voice Switch E1k, ShoreTel IP Phone 110, and ShoreTel IP Phone 560g.

70. Siemens has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, HiPath 1100 telephony system, HiPath Cordless IP, OpenStage 80 phone, optiPoint 420 and advance S phone, optiPoint 410 economy plus S phone, optiPoint WL2 professional S, and Gigaset S400 professional phone system.

71. Tadiran has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell,

or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Coral Sea Softswitch, Coral IPx 500 communications server, Coral FlexAir, FlexSets for Coral IPx, Tadiran P-Series Desktop Business Telephones, and T200 IP Telephones.

72. Toshiba has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Toshiba Strata CIX 40 IP communications system, Toshiba IPledge EP server, Toshiba IP5000 Series telephones, Toshiba Strata CIX DP5000 Series digital telephones, Toshiba Cordless Digital Telephones, and Polycom Wireless Telephones.

73. Vertical has infringed and still is infringing at least claims 1 and 16 of the '676 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a system for entering transaction data into a remote database that includes an IP phone having a display and input interface, a data transaction terminal, a database server, and a data transaction assembler, including but not limited to, Edge 5000 series phones, Edge 700 series phones, Edge 8000 series phones, SBX IP phones, Nomad SoftPhone, DECT Cordless Telephone, ViewPoint Soft Phone, Vertical Wave IP systems, Vertical MBX IP systems, Vertical SBX IP systems.

74. As a result of each Defendant's infringement of the '676 patent, CyberFone has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each Defendant's infringing activities are enjoined by this Court.

75. Unless a permanent injunction is issued enjoining each Defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '676 patent, CyberFone will suffer irreparable harm.

PRAYER FOR RELIEF

CyberFone prays for the following relief:

1. A judgment that each Defendant has infringed (either literally or under the doctrine of equivalents) one or more claims of the Asserted Patents;
2. A permanent injunction enjoining each Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the Asserted Patents;
3. An award of damages resulting from each Defendant's acts of infringement in accordance with 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to CyberFone its reasonable attorneys' fees against each defendant;
5. A judgment and order requiring Defendants to provide an accounting and to pay supplemental damages to CyberFone, including without limitation, pre-judgment and post-judgment interest; and
6. Any and all other relief to which CyberFone may show itself to be entitled.

DEMAND FOR JURY TRIAL

CyberFone demands a trial by jury on all issues so triable.

November 18, 2011

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