

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

FILED-CLERK
U.S. DISTRICT COURT

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TEXAS-EASTERN

RONALD A. KATZ TECHNOLOGY
LICENSING, L.P.,

Plaintiff,

v.

BMG COLUMBIA HOUSE, INC.,
COSTCO WHOLESALE CORP., and
KOHL'S CORP.,

Defendants.

BY _____

CASE NO. 2:07cv237

Jury Trial Demanded

PLAINTIFF RONALD A. KATZ TECHNOLOGY LICENSING, L.P.'S

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Ronald A. Katz Technology Licensing, L.P. ("Katz Technology Licensing"), by counsel, alleges as follows:

THE PARTIES

1. Plaintiff Katz Technology Licensing is a limited partnership organized under the laws of the State of California, and having a principal place of business at 9220 Sunset Blvd. #315, Los Angeles, CA 90069.

2. On information and belief, Defendant BMG Columbia House, Inc. ("BMG Columbia House") is a New York entity maintaining its principal place of business at One Penn Plaza, 250 West 34th Street, New York, NY 10119.

3. On information and belief, Defendant Costco Wholesale Corp. ("Costco") is a Washington entity maintaining its principal place of business at 999 Lake Drive, Issaquah, WA 98027.

4. On information and belief, Defendant Kohl's Corp. ("Kohl's") is a Wisconsin entity maintaining its principal place of business at N56 W17000 Ridgewood Drive, Menomonee Falls, WI 53051.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under the United States patent statutes, 35 U.S.C. § 1 *et seq.*

6. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, Defendant BMG Columbia House is subject to this Court's personal jurisdiction because it does and has done substantial business in this judicial district, including: (i) operating infringing automated telephone call processing systems, including without limitation the Columbia House customer service telephone system, that allow its customers, including customers within this State and in this District, to perform product ordering and customer service functions over the telephone; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from services provided to individuals in this State and in this District.

8. Upon information and belief, Defendant Costco is subject to this Court's personal jurisdiction because it does and has done substantial business in this judicial district, including: (i) operating at least one Costco retail store and/or office in this District; (ii) operating infringing automated telephone call processing systems, including without limitation the Costco Wholesale pharmacy, Costco.com pharmacy, Costco Cash Card, Costco Wholesale customer service, Costco.com customer service, and Costco Rebate Hotline telephone systems, that allow its customers, including customers within this State and in this District, to perform pharmacy refill,

financial, and customer service functions over the telephone; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from services provided to individuals in this State and in this District. In addition, Defendant Costco has designated an agent for service of process in the State of Texas.

9. Upon information and belief, Defendant Kohl's is subject to this Court's personal jurisdiction because it does and has done substantial business in this judicial district, including: (i) operating at least one Kohl's retail store and/or office in this District; (ii) operating infringing automated telephone call processing systems, including without limitation the Kohl's customer service and Kohl's Credit Center telephone systems, that allow its customers, including customers within this State and in this District, to perform financial and customer service functions over the telephone; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from services provided to individuals in this State and in this District. In addition, Defendant Kohl's has designated an agent for service of process in the State of Texas.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

BACKGROUND FACTS

11. Ronald A. Katz ("Mr. Katz"), founder of Katz Technology Licensing, is the sole inventor of each of the patents in suit. Mr. Katz has been widely recognized as one of the most prolific and successful inventors of our time, and his inventions over the last forty-plus years have been utilized by literally millions of people.

12. In 1961, Mr. Katz co-founded Telecredit Inc. ("Telecredit"), the first company to provide online, real-time credit authorization, allowing merchants to verify checks over the

telephone. Further innovations from Telecredit include the first online, real-time, point-of-sale credit verification terminal, which enabled merchants to verify checks without requiring the assistance of a live operator, and the first device that used and updated magnetically-encoded cards in automated teller machines. Multiple patents issued from these innovations, including patents co-invented by Mr. Katz.

13. Telecredit was eventually acquired by Equifax, and has now been spun off as Certegy, a public company traded on the New York Stock Exchange. Certegy continues to provide services in the credit and check verification field established by Mr. Katz and Telecredit.

14. Mr. Katz's inventions have not been limited to telephonic check verification. Indeed, Mr. Katz is responsible for advancements in many fields of technology. Among his most prominent and well-known innovations are those in the field of interactive call processing. Mr. Katz's inventions in that field are directed to the integration of telephonic systems with computer databases and live operator call centers to provide interactive call processing services.

15. The first of Mr. Katz's interactive call processing patents issued on December 20, 1988. More than fifty U.S. patents have issued to Mr. Katz for his inventions in the interactive call processing field, including each of the patents-in-suit.

16. In 1988, Mr. Katz partnered with American Express to establish FDR Interactive Technologies, later renamed Call Interactive, to provide interactive call processing services based on Mr. Katz's inventions. The American Express business unit involved in this joint venture later became known as First Data.

17. Early clients of Call Interactive included *The New York Times*, ABC's *Monday Night Football*, KABC Radio, CBS News, and Beatrice Foods (Hunt-Wesson division).

18. Many of these clients utilized Call Interactive technology for high-profile events. For example, CBS News hired Call Interactive to operate an interactive, real-time telephone poll to gauge viewer reaction to President George H.W. Bush's 1992 State of the Union address.

19. ~~Mr. Katz sold his interest in Call Interactive to American Express in 1989 but~~ continued to provide advisory services to Call Interactive until 1992. American Express later spun off the First Data business unit into a separate corporation, and with that new entity went Mr. Katz's interactive call processing patents and the Call Interactive call processing business. The former Call Interactive, now known as First Data Voice Services, continues to provide call processing solutions today.

20. In 1994, Mr. Katz formed Katz Technology Licensing, which acquired the rights to the entire interactive call processing patent portfolio, including the rights to each of the patents-in-suit, from First Data, the owner of all of the Katz interactive call processing patents at that time.

21. The marketplace has clearly recognized the value of Mr. Katz's inventions. Indeed, over 150 companies have licensed the patents-in-suit. Licensees include IBM, Hewlett-Packard, Bank of America, JPMorgan Chase, Wells Fargo, HSBC, Verizon, Sprint, Microsoft, Delta Airlines, Merck, Sears, and Home Shopping Network. These licenses and others acknowledge the applicability of the patents-in-suit to multiple fields of use, including but not limited to financial services call processing, automated securities transactions, automated credit card authorization services, automated wireless telecommunication services and support, automated health care services, and product and service support.

22. Each of the defendants employs the inventions of certain of the patents-in-suit. Katz Technology Licensing, through its licensing arm A2D, L.P., has attempted to engage each

defendant in licensing negotiations, but to date, none of the defendants have agreed to take a license to any of the patents-in-suit.

THE PATENTS-IN-SUIT

23. On May 29, 1990, the United States Patent and Trademark Office duly and legally issued United States Patent No. 4,930,150 (“the ‘150 Patent”), entitled “Telephonic Interface Control System,” to Ronald A. Katz, sole inventor. The ‘150 Patent expired on December 20, 2005.

24. On December 17, 1991, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,073,929 (“the ‘929 Patent”), entitled “Voice-Data Telephonic Control System,” to Ronald A. Katz, sole inventor. The ‘929 Patent expired on December 20, 2005.

25. On July 7, 1992, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,128,984 (“the ‘984 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor.

26. On October 5, 1993, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,251,252 (“the ‘252 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor.

27. On October 19, 1993, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,255,309 (“the ‘309 Patent”), entitled “Telephone-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘309 Patent expired on December 20, 2005.

28. On November 2, 1993, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,259,023 (“the ‘023 Patent”), entitled “Telephone-

Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘023 Patent expired on December 20, 2005.

29. On September 27, 1994, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,351,285 (“the ‘285 Patent”), entitled “Multiple Format Telephonic Interface Control System,” to Ronald A. Katz, sole inventor. The ‘285 Patent expired on December 20, 2005.

30. On October 1, 1996, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,561,707 (“the ‘707 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘707 Patent expired on December 20, 2005.

31. On November 4, 1997, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,684,863 (“the ‘863 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘863 Patent expired on December 20, 2005.

32. On July 28, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,787,156 (“the ‘156 Patent”) entitled “Telephonic-Interface Lottery System,” to Ronald A. Katz, sole inventor. The ‘156 Patent expired on December 20, 2005.

33. On September 29, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,815,551 (“the ‘551 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘551 Patent expired on December 20, 2005.

34. On October 27, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,828,734 (“the ‘734 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor.

~~35. On April 27, 1999, the United States Patent and Trademark Office duly and~~
legally issued United States Patent No. 5,898,762 (“the ‘762 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘762 Patent expired on December 20, 2005.

36. On June 29, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,917,893 (“the ‘893 Patent”), entitled “Multiple Format Telephonic Interface Control System,” to Ronald A. Katz, sole inventor. The ‘893 Patent expired on December 20, 2005.

37. On October 26, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,974,120 (“the ‘120 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor.

38. On March 7, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,035,021 (“the ‘021 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘021 Patent expired on December 20, 2005.

39. On November 14, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,148,065 (“the ‘065 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘065 Patent expired on July 10, 2005.

40. On January 1, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,335,965 (“the ‘965 Patent”), entitled “Voice-Data Telephonic Interface Control System,” to Ronald A. Katz, sole inventor. The ‘965 Patent expired on December 20, 2005.

41. On August 13, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,434,223 (“the ‘223 Patent”), entitled “Telephone Interface Call Processing System With Call Selectivity,” to Ronald A. Katz, sole inventor. The ‘223 Patent expired on July 10, 2005.

42. On May 27, 2003, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,570,967 (“the ‘967 Patent”), entitled “Voice-Data Telephonic Interface Control System,” to Ronald A. Katz, sole inventor. The ‘967 Patent expired on July 10, 2005.

43. On January 13, 2004, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,678,360 (“the ‘360 Patent”), entitled “Telephonic-Interface Statistical Analysis System,” to Ronald A. Katz, sole inventor. The ‘360 Patent expired on July 10, 2005.

**COUNT I
(PATENT INFRINGEMENT BY BMG COLUMBIA HOUSE)**

44. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-43 of this Complaint as if fully set forth herein.

45. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the ‘929, ‘984, ‘252, ‘309, ‘707, ‘863, ‘156, ‘551, ‘762, ‘965, ‘223, ‘967 and ‘360 Patents.

46. Upon information and belief, BMG Columbia House operates automated telephone systems, including without limitation the Columbia House customer service telephone

system, that allow its customers to perform product ordering and customer service functions over the telephone.

47. BMG Columbia House directly and contributorily infringed, and induced others to infringe, one or more claims of each of the patents identified in paragraph 45 of this Complaint by making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the Columbia House customer service telephone system, that allow its customers to perform product ordering and customer service functions over the telephone.

48. BMG Columbia House continues to infringe, contributorily infringe, and induce others to infringe the '984 and '252 Patents.

49. BMG Columbia House's infringement of the patents identified in paragraph 45 of this Complaint has been willful.

50. Katz Technology Licensing has been, and continues to be, damaged and irreparably harmed by BMG Columbia House's infringement, which will continue unless BMG Columbia House is enjoined by this Court.

**COUNT II
(PATENT INFRINGEMENT BY COSTCO)**

51. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-43 of this Complaint as if fully set forth herein.

52. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the '252, '023, '707, '863, '734, '120, '021 and '360 Patents.

53. Upon information and belief, Costco operates automated telephone systems, including without limitation the Costco Wholesale pharmacy, Costco.com pharmacy, Costco Cash Card, Costco Wholesale customer service, Costco.com customer service, and Costco

Rebate Hotline telephone systems, that allow its customers to perform pharmacy refill, financial, and customer service functions over the telephone.

54. Costco has directly and contributorily infringed, and induced others to infringe, ~~one or more claims of each of the patents identified in paragraph 52 of this Complaint by~~ making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the Costco Wholesale pharmacy, Costco.com pharmacy, Costco Cash Card, Costco Wholesale customer service, Costco.com customer service, and Costco Rebate Hotline telephone systems, that allow its customers to perform pharmacy refill, financial, and customer service functions over the telephone.

55. Costco continues to infringe, contributorily infringe, and induce others to infringe the '252, '734 and '120 Patents.

56. Costco's infringement of the patents identified in paragraph 52 of this Complaint has been willful.

57. Katz Technology Licensing has been, and continues to be, damaged and irreparably harmed by Costco's infringement, which will continue unless Costco is enjoined by this Court.

**COUNT III
(PATENT INFRINGEMENT BY KOHL'S)**

58. Katz Technology Licensing realleges and incorporates by reference paragraphs 1-43 as if fully set forth herein.

59. Katz Technology Licensing is the sole holder of the entire right, title, and interest in the '150, '309, '285, '863, '551, '734, '893, '120, '065, '965, '223 and '360 Patents.

60. Upon information and belief, Kohl's has operated automated telephone systems, including without limitation the Kohl's customer service and Kohl's Credit Center telephone

systems, that allow its customers to perform financial and customer service functions over the telephone.

61. Kohl's has directly and contributorily infringed, and induced others to infringe, ~~one or more claims of each of the patents identified in paragraph 59 of this Complaint by~~ making, using, offering to sell, and/or selling within the United States automated telephone systems, including without limitation the Kohl's customer service and Kohl's Credit Center telephone systems, that allow its customers to perform financial and customer service functions over the telephone.

62. Kohl's infringement of the patents identified in paragraph 59 of this Complaint has been willful.

63. Katz Technology Licensing has been damaged and irreparably harmed by Kohl's infringement.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Katz Technology Licensing respectfully requests the following relief:

A. A judgment holding BMG Columbia House liable for infringement of the patents identified in paragraph 45 of this Complaint;

B. A permanent injunction against BMG Columbia House, its officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '984 and '252 Patents;

C. An accounting for damages resulting from BMG Columbia House's infringement of the patents identified in paragraph 45 of this Complaint, together with pre-judgment and post-judgment interest;

~~D. A judgment holding that BMG Columbia House's infringement of the patents identified in paragraph 45 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;~~

E. A judgment holding Costco liable for infringement of the patents identified in paragraph 52 of this Complaint;

F. A permanent injunction against Costco, its officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '252, '734 and '120 Patents;

G. An accounting for damages resulting from Costco's infringement of the patents identified in paragraph 52 of this Complaint, together with pre-judgment and post-judgment interest;

H. A judgment holding that Costco's infringement of the patents identified in paragraph 52 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

I. A judgment holding Kohl's liable for infringement of the patents identified in paragraph 59 of this Complaint;

J. An accounting for damages resulting from Kohl's infringement of the patents identified in paragraph 59 of this Complaint, together with pre-judgment and post-judgment interest;

K. A judgment holding that Kohl's infringement of the patents identified in paragraph 59 of this Complaint is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

L. A judgment holding this Action an exceptional case, and an award to Plaintiff ~~Katz Technology Licensing for its attorneys' fees and costs pursuant to 35 U.S.C. § 285; and~~

M. Such other relief as the Court deems just and equitable.

Dated: June 8, 2007

Respectfully submitted,

By: 

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Attorneys for Plaintiff
Ronald A. Katz Technology Licensing, L.P.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Ronald A. Katz Technology

Licensing, L.P. hereby demands trial by jury.

Dated: June 8, 2007

Respectfully submitted,

By:



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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Ronald A. Katz Technology Licensing, L.P.
9220 Sunset Blvd., Ste. 315, Los Angeles, CA 90069

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Damon Young, Esq., Young, Pickett & Lee (903) 794.1303
4122 Texas Blvd., P.O. Box 1897, Texarkana, TX 75504-1897

DEFENDANTS

BMG Columbia House, Inc., et al.

County of Residence of First Listed Defendant New York, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title 35, United States Code sections 271, et seq

VI. CAUSE OF ACTION

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **CHECK YES only if demanded in complaint:**
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE R. Gary Klausner

DOCKET NUMBER 2:07-ML-1816

DATE

JUNE 8, 2007

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT # 5-1-001000 AMOUNT \$350.00 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____