Kristine L. Butler, Esquire
Michael F. Snyder, Esquire
Ryan W. O'Donnell, Esquire
VOLPE AND KOENIG, P.C.
United Plaza
30 South 17th Street
Philadelphia, Pennsylvania 19103
Phone: (215) 568-6400
Fax: (215) 568-6499

Attorneys for Plaintiff
Alberta Telecommunications
Research Centre d/b/a TR Labs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK DIVISION

ALBERTA TELECOMMUNICATIONS RESEARCH CENTRE d/b/a TR LABS, A Canadian Not For Profit Corporation, Plaintiff, v. AT&T CORPORATION, a Delaware Corporation. Defendant.	Civ. Act. No. 2:09-cv-3883 (PGS)(ES) Hon. Peter G. Sheridan, U.S.D.J. Hon. Esther Salas, U.S.M.J. ELECTRONICALLY FILED

SECOND AMENDED COMPLAINT

The plaintiff, the Alberta Telecommunications Research Centre, doing business as TR Labs ("TR Labs"), alleges in the afore-captioned matter as follows:

PARTIES

1. TR Labs is Canada's largest non-profit research consortium with its membership including universities, companies, and government agencies. TR Labs has offices throughout western Canada, and its principal place of business is 9107 116th Street, Edmonton, Alberta, Canada T6G 2V4.

2. Among TR Labs' members is the University of Alberta in Edmonton, Canada.

3. AT&T is a corporation organized under the laws of the State of Delaware, with a principal place of business at 175 East Houston Street, San Antonio, Texas 78205. Upon information and belief, AT&T Labs, Inc. conducts the research and development for AT&T. AT&T Labs, Inc. has two locations in New Jersey which include 180 Park Avenue, Florham Park, NJ 07932, and 200 Laurel Avenue, Middletown, NJ 07748.

JURISDICTION AND VENUE

4. On information and belief, the defendants, at all relevant times, have been doing business in this Judicial District.

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

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b).

FACTUAL BACKGROUND

7. TR Labs is the owner by assignment of U.S. Patent No. 6,914,880, entitled *Protection of routers in a telecommunications network* ("the '880 patent"), U.S. Patent No. 7,260,059, entitled *Evolution of a telecommunications network from ring to mesh structure* ("the '059 patent"), U.S. Patent No. 6,404,734, entitled *Scalable network restoration device* ("the '734 patent"), U.S. Patent No. 4,956,835, entitled *Method and apparatus for self-restoring and self-provisioning*

communication networks ("the '835 patent"), and U.S. Patent No. 5,850,505, entitled *Method for preconfiguring a network to withstand anticipated failures* ("the '505 patent"), (collectively "the TR Labs patents") (attached as Exhibits A, B, C, D, and E).

8. The first named inventor on the TR Labs patent is TR Labs' Chief Scientist in Network Systems Research, Dr. Wayne D. Grover.

9. The '880 patent issued on July 5, 2005 based upon an application filed on May 19, 1999. The '059 patent issued on August 21, 2007 from an application filed on June 28, 2001. The '734 patent issued on June 11, 2002 from an application filed on October 6, 1998. The '835 patent issued on September 11, 1990 from an application filed on October 19, 1988. The '505 patent issued on December 15, 1998 from an application filed on November 1, 1995.

10. In addition to his position at TR Labs, Dr. Grover is a Professor in the Department of Electrical and Computer Engineering at the University of Alberta in Edmonton, Canada.

11. Dr. Grover is a Fellow of the Institute of Electronic and Electrical Engineers ("IEEE"), a title conferred on those engineers who have demonstrated outstanding proficiency and have achieved distinction in their profession. He is also a Fellow of the Engineering Institute of Canada, a title awarded by that organization for similar scientific achievement.

12. Among his numerous awards, in 2001-2002, the Natural Science and Engineering Research Council of Canada named Dr. Grover an E.W.R Steacie

Fellow, which recognizes highly promising scientists and engineers who are faculty members of Canadian universities. Dr. Grover was awarded the IEEE's 1999 W.R.G. Baker Prize Paper award for the most outstanding paper reporting original work in an IEEE publication, and that same year was named Canada's Outstanding Engineer in Canada by the IEEE.

13. Upon information and belief, AT&T operates, either directly or indirectly, mesh telecommunications networks throughout the United States.

14. The mesh telecommunications networks operated directly or indirectly by AT&T infringe the claims of the TR Labs patents in violation of 35 U.S.C. § 271.

COUNT I – PATENT INFRINGEMENT

15. TR Labs hereby incorporates by reference paragraphs 1-14, above.

16. AT&T has directly infringed the claims of the TR Labs patents by operating, either directly or indirectly, mesh telecommunications networks that are covered by such claims, which is in violation of 35 U.S.C. § 271.

17. TR Labs has been, and will continue to be, irreparably harmed by AT&T's infringement in view of the finite patent monopoly that TR Labs enjoys as the owner of the TR Labs patents.

PRAYERS FOR RELIEF

WHEREFORE, TR Labs respectfully requests that this Court:

a) Find that AT&T infringes the patents in suit;

b) Order AT&T to pay TR Labs damages equal to no less than a reasonable royalty to compensate TR Labs for the infringement of the TR Labs patents pursuant to 35 U.S.C. § 284;

c) Order AT&T to pay TR Labs prejudgment interest to compensate TR Labs for its lost use of money to which it was entitled;

d) Find this case to be exceptional;

e) Order AT&T to pay attorneys' fees pursuant to 35 U.S.C. § 285;

f) Enjoin AT&T from further infringement of the TR Labs patents; and

g) Award whatever additional relief the Court finds just and equitable.

JURY DEMAND

TR Labs hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: November 18, 2010

By: s/ Kristine L. Butler

Kristine L. Butler, Esquire
Michael F. Snyder, Esquire
Ryan W. O'Donnell, Esquire
VOLPE AND KOENIG, P.C.
United Plaza
30 South 17th Street
Philadelphia, Pennsylvania 19103-4009
Telephone: (215) 568-6400
Facsimile: (215) 568-6499
kbutler@volpe-koenig.com
msnyder@volpe-koenig.com
rodonnell@volpe-koenig.com

Attorneys for Plaintiff
Alberta Telecommunications
Research Centre d/b/a TR Labs

OF COUNSEL:
George C. Summerfield
STADHEIM & GREAR, LTD.
400 North Michigan Avenue, Suite 2200
Chicago, Illinois 60611
Telephone: (312) 755-4400
Facsimile: (312) 755-4408
Email: summerfield@stadheimgrear.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *TR Labs' Second Amended Complaint* is being served on all counsel of record via the District Court's CM/ECF system and electronic mail on the following persons:

Donald A. Robinson, Esquire
Keith J. Miller, Esquire
Robinson, Wettre & Miller, LLC
One Newark Center
19th Floor
Newark, NJ 07102
drobinson@rwmlegal.com
kmiller@rwmlegal.com

David Pritikin, Esquire
Lisa Schneider, Esquire
Richard A. Cederoth, Esquire
Sidley Austin, LLP
One South Dearborn
Chicago, IL 60603
dpritikin@sidley.com
lschneider@sidley.com
rcederoth@sidley.com

Thomas Tarnay, Esquire
Sidley Austin, LLP
717 N. Harwood Street
Suite 3400
Dallas, TX 75201
ttarnay@Sidley.com

Dated: November 18, 2010

By: s/ Kristine L. Butler
Kristine L. Butler, Esquire
Volpe and Koenig, P.C.
United Plaza
30 South 17th Street
Philadelphia, Pennsylvania 19103
Phone: (215) 568-6400
Fax: (215) 568-6499

Attorneys for Plaintiff
Alberta Telecommunications Research Centre d/b/a TR Labs