

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

E-CONTACT TECHNOLOGIES, LLC,	§	
	§	
PLAINTIFF,	§	
	§	CIVIL ACTION NO. 1:12-CV-085
v.	§	
	§	
HUGHES COMMUNICATIONS, INC.,	§	JURY TRIAL DEMANDED
HUGHES NETWORK SYSTEMS, LLC,	§	
	§	
DEFENDANTS.	§	

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff E-Contact Technologies LLC files this First Amended Complaint against Defendants Hughes Network Systems, LLC and Hughes Communications, Inc. and alleges as follows:

PARTIES

1. Plaintiff E-Contact Technologies, LLC ("E-Contact") is a Texas company having a principle place of business of 815 Brazos St, Ste. 500, Austin, Texas 78701.
2. On information and belief, Defendant Hughes Communications, Inc. is a Delaware corporation with its principal place of business 11717 Exploration Lane, Germantown, MD 20876. Hughes Communications, Inc. has appointed The Corporation Trust Company, 351 West Camden St., Baltimore, Maryland 21201, as its agent for service of process.
3. On information and belief, Defendant Hughes Network Systems, LLC is a subsidiary of Hughes Communications, Inc. and a Delaware corporation with its principal place of business 11717 Exploration Lane, Germantown, MD 20876. Hughes Network Systems, LLC has appointed has appointed The Corporation Trust Company, 351 West Camden St., Baltimore, Maryland 21201, as its agent for service of process.

4. Collectively, Hughes Network Systems, LLC and Hughes Communications, Inc. are referred to as “Hughes” or “Defendants.”

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This court has subject matter jurisdiction pursuant to the above statutes, including 35 U.S.C. § 271, *et seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), (c), (d), and 1400(b). On information and belief, Defendants have transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

7. On information and belief, Defendants are subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendants’ substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 5,347,579**

8. Plaintiff is the owner by assignment of United States Patent No. 5,347,579 (“the ’579 patent”) entitled “Personal Computer Diary.” The ’579 patent issued on September 13, 1994. A true and correct copy of the ’579 patent is attached hereto as Exhibit A.

9. The ’579 patent is valid and enforceable.

10. Upon information and belief, Hughes directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale E-Mail and Web-Based Mail products and/or systems provided through its websites, including but not

limited to, myhughesnet.com and hughesnet.com that directly infringed one or more claims of the '579 patent, literally or under the doctrine of equivalents.

11. Upon information and belief, Hughes has also been inducing infringement of the '579 Patent, literally or under the doctrine of equivalents, under 35 U.S.C. § 271(b) by intentionally and knowingly supplying third-party resellers and/or vendors software used to directly infringe.

12. Upon information and belief, Hughes has also been contributing to the infringement of the '579 Patent, literally or under the doctrine of equivalents, under 35 U.S.C. § 271(c) by selling or offering to sell in the United States software that powers the accused E-mail and Web-Based mail products and/or systems, with knowledge that the software is especially made or adapted for use in a way that infringes. The software that Defendants provide is a significant part of the inventions of the claims of the '579 Patent and has no significant non-infringing use.

13. As a direct and proximate result of Defendants' acts of patent infringement, Plaintiff has been injured and has sustained substantial damages in an amount not presently known.

JURY DEMAND

E-Contact hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, directly or through intermediaries, the '579 patent;

2. A judgment and order requiring Defendants to pay Plaintiffs its damages, costs, expenses, and prejudgment and post-judgment interests for Defendants' infringement of the '579 patent as provided under 35 U.S.C. § 284;

3. A judgment in favor and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

4. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: May 31, 2012

Respectfully submitted,

By: /s/ Hao Ni

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**ATTORNEYS FOR PLAINTIFF
E-CONTACT TECHNOLOGIES, LLC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Beaumont Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Hao Ni
Hao Ni