

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ONE NUMBER CORPORATION)

)

)

Plaintiff,)

v.)

)

Case No. 1:10-cv-00312-RLY-TAB

)

GOOGLE INCORPORATED)

)

)

Defendant.)

JURY TRIAL DEMANDED

**ONE NUMBER CORPORATION’S AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AGAINST GOOGLE, INC.**

One Number Corporation ("One Number"), by counsel, for its Amended
Complaint against Google Inc. ("Google") alleges and states:

Parties

1. One Number is a corporation organized and existing under the laws of
the State of Indiana, with its principal place of business at 2701 Enterprise Drive,
Suite 207, Anderson, Indiana 46013.

2. Upon information and belief, Google is a corporation organized and
existing under the laws of the State of California, and having a principal place of
business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

Jurisdiction and Venue

3. This is an action for patent infringement of U.S. Patent No. 7,680,256
("the '256 Patent") and U.S. Patent No. 8,107,603 ("the '603 Patent"), arising under

the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* A copy of the ‘256 Patent is attached hereto as Exhibit A and a copy of the ‘603 Patent is attached hereto as Exhibit B.

4. This Court has subject matter jurisdiction. 28 U.S.C. §§ 1331, 1338(a), and 1400(b).

5. This Court has personal jurisdiction over Google because, *inter alia*, it has committed, or aided, abetted, contributed to, or participated in the commission of, patent infringement that has led to foreseeable harm and injury to One Number in Anderson, Indiana. Google offers infringing services throughout Indiana and elsewhere.

6. This Court also has personal jurisdiction over Google by virtue of its systematic and continuous contacts with Indiana. On information and belief, Google maintains twenty offices throughout the United States spanning from Mountain View, California to New York City, New York.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

Background

8. One Number owns by assignment all right, title, and interest in the ‘256 Patent and the ‘603 Patent, each called “Contact Number Encapsulation System.” The United States Patent and Trademark Office duly and legally issued Letters Patent respectively on March 16, 2010 and January 31, 2012.

9. The claims of the '256 Patent and the '603 Patent are valid and enforceable.

10. One Number has standing and the right to sue for and obtain equitable relief and damages for infringement of the patents.

11. The '256 Patent was filed on August 18, 2005 and assigned U.S. Application No. 11/206,689 (the "689 Application").

12. The '603 Patent is a continuation application of the '689 Application and was filed on January 10, 2008.

13.

14. The '256 Patent and the '603 Patent have the same priority date of August 18, 2005, but development of the technology covered by these patents began before that date.

15. The '256 Patent and the '603 Patent disclose and claim innovative telecommunications systems that allow users to obtain one phone number that is not tied to a specific location or phone, but rather is tied to the individual associated with the phone number.

16. The systems are capable of being configured, using a control panel, to allow the owner of the phone number to have multiple telecommunication devices (*e.g.* - home phone, work phone, cell phone, *etc.*) ring if the one phone number associated with the user is called. The control panel also allows the user to: a) add, delete, or modify numbers that are contained in the calling list, b) temporarily

deactivate numbers in the calling list, and c) provides various other patented features.

17. Upon information and belief, GrandCentral Communications (“GrandCentral”) was founded in late 2005 by Craig Walker and Vincent Paquet.

18. GrandCentral stated that its services could give people "One Number...for lifeTM"; and the GrandCentral Service provided many, if not all, of the features of One Number's then patent pending technology. Prior to Google's acquisition, GrandCentral provided services for managing individuals' voice communications (the "GrandCentral Service"). On information and belief, the GrandCentral Service was designed and created by GrandCentral based on One Number's then patent pending technology.

19. On information and belief, on or about July 3, 2007, Google acquired GrandCentral.

20. On July 11, 2007, shortly after Google acquired GrandCentral, One Number informed GrandCentral and Google of One Number's pending patent application and provided both GrandCentral and Google with a copy of the published '689 Application (U.S. Patent Publication No. 2007/0041550 A1), which issued as the '256 Patent. Neither GrandCentral nor Google responded to One Number.

21. On or about March 12, 2009, Google announced the release of Google Voice. The core underlying technology that drives Google Voice is almost entirely

based on the infringing technology Google acquired from GrandCentral and infringes the '603 Patent and the '256 Patent.

22. On or about June 22, 2010, Google initiated the world-wide offering of Google Voice, which previously had been available to consumers by invitation only.

23. In a 2010 press release, Google stated that it had more than one million customers for Google Voice.

COUNT I

Google's Infringement of the '256 Patent

24. One Number realleges and incorporates by reference the allegations set forth in paragraphs 1-23 above.

25. Pursuant to 35 U.S.C. § 282, the '256 Patent is presumed valid.

26. Google has made, used, and offered services, and continues to make, use, and/or offer services within this Judicial District, including its Google Voice services, that infringe one or more valid claims of the '256 Patent.

27. Google continues its acts of patent infringement in violation of 35 U.S.C. § 271.

28. As a direct and proximate consequence of Google's infringement of the '256 Patent, One Number has suffered and will continue to suffer substantial and irreparable injury and damages in an amount not yet determined for which One Number is entitled to relief.

COUNT II

Google's Infringement of the '603 Patent

29. One Number realleges and incorporates by reference the allegations set forth in paragraphs 1-33 above.

30. Pursuant to 35 U.S.C. § 282, the '603 Patent is presumed valid.

31. Google has made, used, and offered services, and continues to make, use, and/or offer services within this Judicial District, including, the Google Voice services that infringe one or more valid claims of the '603 Patent.

32. Google continues its acts of patent infringement in violation of 35 U.S.C. § 271.

33. As a direct and proximate consequence of Google's infringement of the '603 Patent, One Number has suffered and will continue to suffer substantial and irreparable injury and damages in an amount not yet determined for which One Number is entitled to relief.

Prayer for Relief

WHEREFORE, One Number prays that this Court grant the following relief:

(a) Enter judgment that one or more claims of the '256 Patent and the '603 Patent is infringed by Google Voice, and that Google's making, using, and offering the Google Voice service in the United States infringes the '256 Patent and the '603 Patent;

(b) Enter an award of damages adequate to compensate One Number for Google's infringement of the '256 Patent and the '603 Patent pursuant to 35 U.S.C. § 284;

(c) Enter an award increasing damages up to three times the amount found or assessed by the Court in One Number's favor and against Google for its willful infringement of the '256 Patent and the '603 Patent pursuant to 35 U.S.C. § 285;

(d) Issue a preliminary injunction against Google, and its affiliates and subsidiaries, and each of their officers, agents, servants and employees, from making, using, offering to sell, and/or selling in the United States, or importing into the United States any "virtual phone system" that infringes the '256 Patent or the '603 Patent until after the expiration date of the '256 Patent and the '603 Patent.

(e) Permanently enjoin Google, and its affiliates and subsidiaries, and each of their officers, agents, servants and employees, from making, using, offering to sell, and/or selling in the United States, or importing into the United States any "virtual phone system" that infringes the '256 Patent or the '603 Patent until after the expiration date of the '256 Patent and the '603 Patent.

(f) Award One Number its attorney fees, costs and expenses incurred in prosecuting this action; and

(g) All other just and proper relief.

JURY DEMAND

One Number demands a trial by jury on all issues in this case that may be properly submitted to a jury.

Respectfully submitted,

/s/Alastair J. Warr

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was filed electronically on this April 27, 2012. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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