

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CONDATIS LLC,

Plaintiff,

v.

A.P. MÖLLER-MAERSK A/S, *et al.*,

Defendants.

Case No. 6:10-cv-600-LED-JDL

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Condati s LLC (“Condati s” or “Plaintiff”) makes the following allegations against Electro-Motive Diesel, Inc. (“EMD” or “Defendant”).

PARTIES

2. Plaintiff Condati s is a limited liability company organized and existing under the laws of the State of Maryland with its principal place of business at 3301 W. Marshall Ave., Ste. 303, Longview, TX 75604.

3. On information and belief, Defendant Electro-Motive Diesel, Inc. (“EMD”) is a Delaware corporation with its principal place of business at 9301 W. 55th St., McCook, IL, 60525-3214. Defendant EMD may be served with process via its registered agent, National Registered Agents, Inc., 16055 Space Center Blvd., Ste.235, Houston, TX, 77062-6212.

JURISDICTION AND VENUE

4. 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 28 U.S.C. §§ 1331 and 1338(a).

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

6. On information and belief, Defendant is 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 its 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 Judicial District.

THE PATENT-IN-SUIT

7. United States Patent No. 5,450,321 ("the '321 patent"), entitled "Interactive Dynamic Real-Time Management System For Powered Vehicles," was duly and lawfully issued on September 12, 1995, based upon an application filed by the inventor, Harold E. Crane. A copy of the '321 patent is attached hereto as Exhibit A.

8. Condatis is the owner by assignment of the '321 patent and has the right to sue, and recover damages, for infringement thereof.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 5,450,321**

9. Condatis repeats and incorporates the allegations contained in paragraphs 1 through 8 above as is set forth fully herein.

10. On information and belief, EMD has been and now is directly infringing the '321 Patent in this judicial district, and elsewhere in the United States. Infringements by EMD include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least the Intellitrain Predictive

Telemaintenance System, infringing one or more claims of the '321 Patent. By making, using, importing, offering for sale, and/or selling Intellitrain Predictive Telemaintenance System, and all like products and related services that are covered by one or more claims of the '321 Patent, EMD is liable for infringement of the '321 Patent under 35 U.S.C. § 271(a).

11. Defendant has committed these infringing acts without license from Condatis.

12. As a result of Defendant's infringement of the '321 Patent, Condatis has suffered monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this court enter:

13. A judgment in favor of Condatis that Defendant has infringed the '321 Patent;

14. A judgment and order requiring the Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '321 patent as provided under 35 U.S.C. § 284;

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

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

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

/s/ Gregory P. Love _____

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 22nd day of May 2012.

/s/ Gregory P. Love
Gregory P. Love