

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

IPVX PATENT HOLDINGS, INC.,
a Delaware corporation,

Plaintiff,

vs.

CASE NO.6:12-cv-00170-LED

NTCH-COLORADO, LLC, a Colorado
limited liability company; NTCH, INC., a
Delaware Corporation; and PTA-FLA, INC.,
a Florida Corporation.

Defendants.

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff IPVX Patent Holdings, Inc. (“IPVX”) sues Defendant NTCH-Colorado, LLC; NTCH, Inc.; and PTA-FLA, Inc. (“Defendants”) and on information and belief, alleges as follows:

Introduction

1. Plaintiff IPVX owns the inventions described and claimed in United States Patent Nos. 5,572,576 entitled “Telephone Answering Device Linking Displayed Data with Recorded Audio Message” (the “‘576 Patent”). Defendants (a) have used and continue to use Plaintiff’s patented technology in products that they make, use, sell, and offer to sell, without Plaintiff’s permission, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the ‘576 Patent. Plaintiff IPVX seeks damages for patent infringement and an injunction preventing Defendants from making,

using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, Plaintiff's patented technology without permission.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, et seq. The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §§ 1338(a).

3. Venue is proper in this Court because the Defendants are responsible for acts of infringement occurring in the Eastern District of Texas as alleged in this Complaint, and have delivered or caused to be delivered their infringing products in the Eastern District of Texas.

Plaintiff IPVX

4. Plaintiff IPVX Patent Holdings, Inc. is a corporation existing under and by virtue of the laws of the State of Delaware.

The '576 Patent

5. The United States Patent and Trademark Office issued the '576 Patent on November 5, 1996. A copy of the '576 Patent is attached as Exhibit A. Through assignment, Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringement, in the '576 Patent.

Defendant NTCH, INC.

6. Upon information and belief, NTCH, Inc. is a Delaware corporation having its principal place of business in Hermosa Beach, California. Upon information and

belief, each of the remaining defendants is either directly or indirectly a wholly-owned subsidiary of NTCH, Inc.

Defendant NTCH-COLORADO, LLC

7. Upon information and belief, NTCH-Colorado, LLC is a Colorado limited liability company having its principal place of business in Grand Junction, Colorado.

Defendant PTA-FLA, INC.

8. Upon information and belief, PTA-FLA, Inc. is a Florida Corporation having its principal place of business in Jacksonville, Florida.

First Claim for Patent Infringement ('576 Patent)

9. On or about November 5, 1996, the '576 Patent, disclosing and claiming a "Telephone Answering Service Linking Displayed Data with Recorded Audio Message," was duly and legally issued by the United States Patent and Trademark Office.

10. Plaintiff IPVX is the owner of the '576 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

11. Defendants have infringed the '576 Patent and, unless enjoined, will continue to infringe the '576 Patent by manufacturing, using, selling, and offering for sale, visual voicemail products that use or embody the patented invention claimed in the '576 Patent without a license or permission from Plaintiff.

12. Defendants are contributing to or inducing others, including its end users, distributors, and resellers, to make, use, sell, or offer to sell visual voicemail products that infringe the '576 Patent without a license or permission from Plaintiff.

13. On information and belief Defendants each manufacture, use, sell, and offer for sale the same accused visual voicemail product. Thus, there are identical questions of fact common to all Defendants and joinder is appropriate.

14. Plaintiff has been damaged by Defendants' infringement of the '576 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '576 Patent.

15. Plaintiff demands trial by jury of all issues so triable.

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe the '576 Patent;
- B. Compensatory damages awarding Plaintiff damages caused by Defendants' infringement of the '576 Patent;
- C. For costs of suit and attorneys fees;
- D. For pre-judgment interest; and
- E. For such other relief as justice requires.

Dated: June 11, 2012

Respectfully submitted,

By: /s/ Pierre R. Yanney

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ATTORNEYS FOR PLAINTIFF,
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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 e-mail, on this the 11th day of June, 2012.

/s/ Pierre R. Yanney