

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELECOMM INNNOVATIONS, LLC,

Plaintiff

v.

PAYMENT ALLIANCE
INTERNATIONAL, INC.,

Defendant

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Telecomm Innovations, LLC ("Telecomm" or "Plaintiff"), for its Complaint against Defendant Payment Alliance International, Inc. ("PAI" or "Defendant"), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Telecomm is a limited liability company organized under the laws of the State of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.

3. Upon information and belief, PAI is a company organized and existing under the laws of the State of Delaware, with its principal place of business at 1 Paragon Centre, 6060 Dutchmans Lane, Suite 320, Louisville, KY 40205. Upon information and belief, PAI sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that perform infringing processes and/or constitute

infringing apparatuses into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

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

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

7. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, 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 Delaware.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,396,519

8. Telecomm repeats and realleges the allegations of paragraphs 1 through 7 as if fully set forth herein.

9. On March 7, 1995, U.S. Patent No. 5,396,519 ("the '519 Patent"), entitled "Method and Apparatus for Adaptively Providing Precoding and Preemphasis Conditioning to Signal Data for Transfer over a Communication Channel," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '519 Patent is attached as Exhibit A.

10. Telecomm is the assignee and owner of the right, title and interest in and to the '519 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

11. Upon information and belief, Defendant is directly infringing one or more claims of the '519 Patent by making, selling, offering to sell, using, and/or providing and causing to be used automatic teller machines ("ATMs"), within this judicial district and elsewhere in the United States, including, on information and belief, ATMs that incorporate dial up modems or functionalities that perform the signal conditioning method claimed in the '519 patent (the "Accused Instrumentalities").

12. Defendant was made aware of the '519 patent and its infringement thereof upon the filing of this Complaint.

13. At least as of the filing of this Complaint, Defendant has, on information and belief, induced infringement of one or more claims of the '519 patent by, *inter alia*, making, selling, offering to sell, importing, and/or otherwise providing the Accused Instrumentalities for use by customers and others within this judicial district, and providing to those customers and others detailed explanations, instructions and information as to arrangements, applications and uses of the Accused Instrumentalities that promote and demonstrate how to use the Accused Instrumentalities in an infringing manner.

14. Upon information and belief, at least as of the filing of this Complaint, Defendant specifically intended to induce infringement by its customers and others by at least the acts set forth in paragraph 13, knowing that such acts would cause infringement and/or were willfully blind to the possibility that their inducing acts would cause infringement. Upon information and belief, Defendant's customers and others have infringed and are continuing to infringe the '519 patent.

15. Telecomm has been harmed by Defendant's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Telecomm demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Telecomm demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '519 Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Telecomm for its past infringement of the '519 Patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Telecomm of such further relief at law or in equity as the Court deems just and proper.

Dated: October 4, 2012

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

Stamatios Stamoulis #4606

stamoulis@swdelaw.com

Richard C. Weinblatt #5080

weinblatt@swdelaw.com

Two Fox Point Centre

6 Denny Road, Suite 307

Wilmington, DE 19809

Telephone: (302) 999-1540

Attorneys for Plaintiff

Telecomm Innovations, LLC