

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division) 2017 OCT 26 P 3:18

U.S. DISTRICT COURT
RICHMOND, VIRGINIA

INTERCARRIER COMMUNICATIONS
LLC,

Plaintiff

v.

APPLE INC.,

Defendant

Civil Action No.

3:12CV764

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Intercarrier Communications LLC (“ICC” or “Plaintiff”), for its Complaint against defendant Apple Inc. (“Apple” 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. Plaintiff ICC is a limited liability company organized under the laws of the State of Texas, with its principal executive offices at 6136 Frisco Square Boulevard, Suite 385, Frisco, TX 75034.

3. Upon information and belief, Apple Inc. is a corporation organized and existing under the laws of the State of California, with its principal executive offices at 1 Infinite Loop, Cupertino, CA 95014. Upon information and belief, Apple Inc. 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 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, the 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 Virginia.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,985,748

8. The allegations set forth in the foregoing paragraphs 1 through 7 are incorporated into this First Claim for Relief.

9. On January 10, 2006, U.S. Patent No. 6,985,748 Patent (“the ‘748 Patent”), entitled “Inter-carrier Messaging Service Providing Phone Number Only Experience,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘748 Patent is attached as Exhibit A.

10. ICC is the assignee and owner of the right, title and interest in and to the ‘748 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, the Defendant has and continues to directly infringe one or more claims of the ‘748 Patent by using, and/or providing and causing to be used products

that provide messaging services claimed in the '748 Patent, including, without limitation, Apple Messages and FaceTime for iOS and OS X devices (the "Accused Instrumentalities").

12. Defendant was made aware of the '748 Patent and its infringement thereof at least as early as the filing of this Complaint.

13. ICC has been harmed by Defendant's infringing activities.

JURY DEMAND

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

PRAYER FOR RELIEF

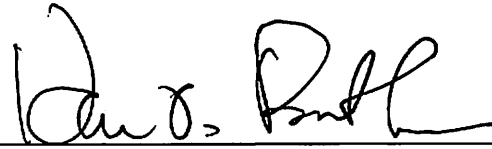
WHEREFORE, Plaintiff ICC demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '748 Patent;
- B. An award to ICC of damages to which it is entitled for Defendant's past infringement of the '748 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 ICC of such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

INTERCARRIER COMMUNICATIONS, LLC

Dated: October 26, 2012



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