

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

2015 JUN 19 PM 3: 37

CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE FLORIDA

PATENT ASSET LICENSING, LLC,  
Plaintiff,  
v.  
T3 COMMUNICATIONS, INC.,  
Defendant.

Case No. 3:15-cv-747-J-32JBT

**COMPLAINT**

Plaintiff Patent Asset Licensing, LLC (“PAL”) sues defendant T3 Communications, Inc. (“T3”) for infringement of U.S. Patent Nos. 7,764,777 (“the ‘777 Patent”); 8,155,298 (“the ‘298 Patent”); and 8,457,113 (“the ‘113 Patent”) (collectively, the “Patents-in-Suit”), and alleges:

1. PAL is a Florida limited liability company with its principle place of business at 220 East Forsyth St., Suite 100, Jacksonville, Florida 32202.

2. T3 is a Florida Corporation with its principal place of business at 2401 1<sup>st</sup> Street, Suite 300, Fort Myers, Florida 33901.

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has general and specific personal jurisdiction over T3, and venue is proper, pursuant to 28 U.S.C. §§ 1391 and 1400(b). T3 has substantial contacts with this forum, including: (1) regularly conducting and soliciting business from residents

of the State of Florida and this District; (2) engaging in other persistent courses of conduct in the State of Florida and this District; (3) deriving substantial revenue from goods and/or services provided to individuals residing in the State of Florida and this District; and/or (4) committing infringement, in whole or in part, as alleged herein, including making, using, selling and/or offering to sell products, systems and/or services that infringe one or more claims of the Patents-in-Suit in the State of Florida and this District. The Florida Department of State issued T3 a certificate of authority to transact business in Florida, beginning in 2006.

**COUNT 1 – INFRINGEMENT OF THE ‘777 PATENT**

5. PAL incorporates the allegations in paragraphs 1 through 4, above.

6. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

7. On July 27, 2010, the ‘777 Patent, entitled “Branch Calling and Caller ID Based Call Routing Telephone Features,” was duly and legally issued in full compliance with Title 35 of the United States Code. The ‘777 Patent is attached as Exhibit A.

8. The ‘777 Patent is valid and enforceable.

9. PAL is the exclusive licensee of the ‘777 Patent with ownership of all pertinent rights in the ‘777 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

10. T3 has infringed, and continues to infringe, claims of the ‘777 Patent by making, using, selling, and/or offering for sale or use telephony products and services that embody the claimed inventions, including (for example) at least claim 17 by importing, making, using, selling and/or offering for sale, in the United States, products,

systems, and/or services that allow a user to select calling features via the Internet that cause incoming calls to be routed to additional destinations (e.g., call forwarding, simultaneous ring).

11. PAL has been damaged as a result of T3's infringing conduct. T3 is liable to PAL in an amount that adequately compensates PAL for T3's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **COUNT 2 – INFRINGEMENT OF THE '298 PATENT**

12. PAL incorporates the allegations in paragraphs 1 through 4, above.

13. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

14. On April 10, 2012, the '298 Patent, entitled "Tandem Access Controller Within the Public Switched Telephone Network," was duly and legally issued in full compliance with Title 35 of the United States Code. A copy of the '298 Patent is attached as Exhibit B.

15. The '298 Patent is valid and enforceable.

16. PAL is the exclusive licensee of the '298 Patent with ownership of all pertinent rights in the '298 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

17. T3 has infringed, and continues to infringe, claims of the '298 Patent by making, using, selling, and/or offering for sale or use telephony products and services that embody the claimed inventions, including (for example) at least claim 20 by importing, making, using, selling and/or offering for sale, in the United States, products,

systems, and/or services that execute calling features (e.g., call forwarding, simultaneous ring) enabled by a user via a website.

18. PAL has been damaged as a result of T3's infringing conduct. T3 is liable to PAL in an amount that adequately compensates PAL for T3's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT 3 – INFRINGEMENT OF THE '113 PATENT**

19. PAL incorporates the allegations in paragraphs 1 through 4, above.

20. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

21. On June 4, 2013, the '113 Patent, entitled "Branch Calling and Caller ID Based Call Routing Telephone Features," was duly and legally issued in full compliance with Title 35 of the United States Code. A copy of the '113 Patent is attached as Exhibit C.

22. The '113 Patent is valid and enforceable.

23. PAL is the exclusive licensee of the '113 Patent with ownership of all pertinent rights in the '113 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

24. T3 has infringed, and continues to infringe, claims of the '113 Patent by making, using, selling, and/or offering for sale or use telephony products and services that embody the claimed inventions, including (for example) at least claim 1, by importing, making, using, selling and/or offering for sale, in the United States, products,

systems, and/or services that enable completion of a telephone call across a circuit switched network (e.g., the PSTN) and a packet switched network (e.g., a VoIP network).

25. PAL has been damaged as a result of T3's infringing conduct. T3 is liable to PAL in an amount that adequately compensates PAL for T3's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JURY DEMAND**

PAL requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **PRAYER FOR RELIEF**

PAL requests that the Court grant PAL the following relief:

- a. judgment that one or more claims of each of the Patents-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by T3;
- b. judgment that T3 account for and pay to PAL all damages to and costs incurred by PAL because of T3's infringing activities and other conduct alleged above;
- c. that PAL be granted pre-judgment and post-judgment interest on the damages caused by T3's infringing activities and other conduct alleged above;
- d. that this Court declare this an exceptional case and award PAL its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

- e. that PAL be granted such other and further relief as the Court may deem just and proper under the circumstances, including any increase in damages pursuant to 35 U.S.C. § 284 to which the Court assesses as appropriate to compensate for T3's conduct.

SIBER LAW LLP

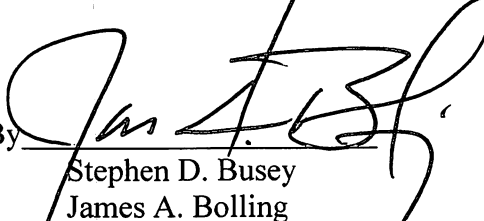
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