

FILED

2008 MAR 31 PM 3:23

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

4:08 CV 00816

EMSAT ADVANCED GEO-LOCATION  
TECHNOLOGY, LLC

and

LOCATION BASED SERVICES LLC,

Plaintiffs,

v.

CELLCO PARTNERSHIP d/b/a/  
VERIZON WIRELESS,

Defendant.

) Case No.

) Judge

JUDGE ECONOMUS

) COMPLAINT FOR PATENT  
) INFRINGEMENT

) JURY TRIAL DEMANDED

) MAG. JUDGE GALLAS

Plaintiffs EMSAT Advanced Geo-Location Technology, LLC ("Emsat") and Location Based Services LLC ("LBS"), for their Complaint against Cellco Partnership d/b/a Verizon Wireless, allege as follows:

### INTRODUCTION

1. This case is based upon the infringement of United States patents that disclose and claim inventions that were created in Youngstown, Ohio by employees of what was then a small regional wireless telephone service provider, named Sygnet Communications, Inc. Until Sygnet was acquired by a larger wireless carrier in 1998, it was headquartered in the Youngstown area and operated under the name Wilcom Cellular.

### THE PARTIES

2. Emsat is a limited liability company organized and existing under the laws of the State of Nevada with its principal place of business located at 101 Southbend Court, Loveland, Ohio.

3. LBS is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 500 Newport Center Drive, Newport Beach, California.

4. On information and belief, Celco Partnership d/b/a Verizon Wireless ("Verizon Wireless") is a general partnership organized and existing under the laws of the State of Delaware with its principal place of business located at One Verizon Way, Basking Ridge, New Jersey. Upon further information and belief, Verizon Wireless is doing business in this judicial district, in Ohio, and elsewhere throughout the United States.

### JURISDICTION AND VENUE

5. Plaintiffs bring this action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 101 *et seq.*

6. This Court has subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, this Court has personal jurisdiction over Defendant in that it has committed acts within Ohio and in this judicial district, and other judicial districts throughout the United States, which give rise to this action, and it has established minimum contacts with the forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice.

8. Upon information and belief, Defendant has committed acts within this judicial district giving rise to this action, including making sales, making offers for sale, and providing

service and support to its respective customers in this district. Accordingly, venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(c) and 1400(b).

### **BACKGROUND**

9. Upon information and belief, Defendant is in the business of deploying and operating cellular, or “wireless,” telephone networks.

10. In the early 1990’s, the cellular telephone industry was much smaller but was growing into a very large business. Cellular telephone networks had numerous problems including the generation of false roaming charges, where for example a caller subscribing to one network that covered one geographic area (e.g., the Youngstown, Ohio area) would suddenly begin using another network covering a neighboring geographic area (e.g., Western Pennsylvania) even where that caller had never left his/her own network’s geographic area.

11. Several persons working at a small cellular service provider in Youngstown, Ohio named Sygnet Wireless, including Everett Dennison (“Dennison”), invented a solution to this problem. Their solution involved combining certain features of the cellular system with location-finding technology to create a location-aware network that could determine the exact geographic location of the telephone and, in turn, use that information to improve the operation of the cellular telephone network by, for example, avoiding the generation of false roaming charges. Further, in solving this problem, the inventors also realized that their new location-aware network enabled the provision of location-based services, such as location-based emergency 911 calls, for the first time. In such a location-based emergency 911 call, the network could concurrently determine and transmit the location of cellular telephones to nearby emergency call centers, also known as “Public Safety Answering Points” (“PSAP’s”).

12. In 1991, Dennison and his co-inventors filed for the first of several issued patents (the “Dennison Patents”) covering their invention. Plaintiff Emsat is the assignee of the



Dennison Patents. Plaintiff LBS is the exclusive licensee of the Dennison Patents, and possesses the exclusive right to sue for past, present, and future infringement of the Dennison Patents.

13. Upon information and belief, some five years after the filing of the first patent application resulting in the Dennison patents, in 1996 the Federal Communications Commission (“FCC”) established the Enhanced 911 (“E911”) program. Under “Phase 2” of the E911 program, all cellular telephone service providers in the United States must be capable of providing the location of cellular telephones to PSAP’s with a specified accuracy for a specified percentage of wireless calls.

14. The methods and systems involved in deploying a mobile E911 system as described above are substantially similar to those required to deploy so-called “commercial” location-based services to cell phone subscribers. In fact, commentators have asserted that the FCC-required development of mobile E911 systems allowed the wireless carriers, such as Defendant, to develop and deploy commercial location-based services. These location-based services permit the cell phone user, often for a fee, to use his or her cell phone as a navigation device, to locate nearby products and services and to find friends, among other things.

15. Upon information and belief, Defendant offers for sale, sells, uses, and/or induces the use, offer for sale, and sales of location-based services and systems for cellular telephones. Upon information and belief, these services and systems infringe the following Dennison Patents: U.S. Patent Nos. 5,946,611 (“the ‘611 Patent”), 6,324,404 (“the ‘404 Patent”), 6,847,822 (“the ‘822 Patent”) and 7,289,763 (“the ‘763 Patent”).

#### **COUNT I - INFRINGEMENT OF THE ‘611 PATENT**

16. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

17. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '611 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services.

18. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.

19. Plaintiff Emsat provided Defendant with specific notice of the '611 patent.

20. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

#### **COUNT II - INFRINGEMENT OF THE '404 PATENT**

21. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

22. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '404 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services.

23. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.

24. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

**COUNT III - INFRINGEMENT OF THE '822 PATENT**

25. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

26. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '822 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services, including at least the services known by the following names: VZ Navigator and AAA Mobile.

27. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.

28. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

**COUNT IV - INFRINGEMENT OF THE '763 PATENT**

29. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

30. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '763 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services, including at least the services known by the following names: VZ Navigator and AAA Mobile.

31. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.



32. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

**NOTICE OF PUBLISHED PATENT APPLICATION**

33. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

34. U.S. Patent Application Pub. No. US 2008/0014965 A1 (“the ‘965 Publication”) to Dennison et al., entitled *Cellular Telephone System That Uses Position Of A Mobile Unit To Make Call Management Decisions*, was published on January 17, 2008.

35. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the ‘965 Publication, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant’s offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services, including at least the services known by the following names: VZ Navigator and AAA Mobile.

36. Defendant is hereby provided actual notice of the ‘965 Publication and Plaintiffs’ provisional rights to a reasonable royalty from Defendant for the period of infringement beginning on the date of publication of the application for such patent and ending on the date the patent issues.

37. Once the ‘965 Publication issues as a patent Plaintiffs will amend their pleadings to allege infringement of such patent and seek damages adequate to compensate for the ongoing infringement and a reasonable royalty for the period of infringement prior to when such patent issued.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court enter judgment in their favor against Defendant and grant the following relief:

- A. Adjudge and decree that Defendant has infringed and is currently infringing, inducing others to infringe, and committing acts of contributory infringement, with respect to the '611, '404, '822, and '763 Patents;
- B. Grant Plaintiffs compensatory damages in an amount to be determined at trial, including both pre-judgment and post-judgment interest; and
- C. Award Plaintiffs such other and further relief as the Court may deem just and proper.

**DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs request a trial by jury of all issues so triable in this action.

Respectfully submitted,



Michael J. Garvin (0025394)

R. Eric Gaum (0066573)

Robert J. Diaz (0077232)

HAHN LOESER & PARKS LLP  
200 Public Square, Suite 3300  
Cleveland, Ohio 44114-2301  
Tel: 216-621-0150  
Fax: 216-241-2824

Attorneys for Plaintiffs EMSAT Geo-Location  
Technology, LLC and Location Based Services  
LLC



FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2008 MAR 31 PM 3:42

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
YOUNGSTOWN

4:08 CV 00822

EMSAT ADVANCED GEO-LOCATION  
TECHNOLOGY, LLC

and

LOCATION BASED SERVICES LLC,

Plaintiffs,

v.

AT&T MOBILITY LLC f/k/a  
CINGULAR WIRELESS LLC,

Defendant.

Case No.

Judge

JUDGE ADAMS

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY TRIAL DEMANDED

MAG. JUDGE GALLAS

Plaintiffs EMSAT Advanced Geo-Location Technology, LLC ("Emsat") and Location Based Services LLC ("LBS"), for their Complaint against AT&T Mobility LLC f/k/a Cingular Wireless LLC, allege as follows:

### INTRODUCTION

1. This case is based upon the infringement of United States patents that disclose and claim inventions that were created in Youngstown, Ohio by employees of what was then a small regional wireless telephone service provider, named Sygnet Communications, Inc. Until Sygnet was acquired by a larger wireless carrier in 1998, it was headquartered in the Youngstown area and operated under the name Wilcom Cellular.

### **THE PARTIES**

2. Emsat is a limited liability company organized and existing under the laws of the State of Nevada with its principal place of business located at 101 Southbend Court, Loveland, Ohio.

3. LBS is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 500 Newport Center Drive, Newport Beach, California.

4. On information and belief, AT&T Mobility LLC f/k/a Cingular Wireless LLC is a limited liability company organized under the laws of the State of Delaware, with its principal place of business at Glenridge Highlands Two, 5565 Glenridge Connector, Atlanta, Georgia 30342.

### **JURISDICTION AND VENUE**

5. Plaintiffs bring this action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 101 *et seq.*

6. This Court has subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, this Court has personal jurisdiction over Defendant in that it has committed acts within Ohio and in this judicial district, and other judicial districts throughout the United States, which give rise to this action, and it has established minimum contacts with the forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice.

8. Upon information and belief, Defendant has committed acts within this judicial district giving rise to this action, including making sales, making offers for sale, and providing

service and support to its respective customers in this district. Accordingly, venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(c) and 1400(b).

### **BACKGROUND**

9. Upon information and belief, Defendant is in the business of deploying and operating cellular, or “wireless,” telephone networks.

10. In the early 1990’s, the cellular telephone industry was much smaller but was growing into a very large business. Cellular telephone networks had numerous problems including the generation of false roaming charges, where for example a caller subscribing to one network that covered one geographic area (e.g., the Youngstown, Ohio area) would suddenly begin using another network covering a neighboring geographic area (e.g., Western Pennsylvania) even where that caller had never left his/her own network’s geographic area.

11. Several persons working at a small cellular service provider in Youngstown, Ohio named Sygnet Wireless, including Everett Dennison (“Dennison”), invented a solution to this problem. Their solution involved combining certain features of the cellular system with location-finding technology to create a location-aware network that could determine the exact geographic location of the telephone and, in turn, use that information to improve the operation of the cellular telephone network by, for example, avoiding the generation of false roaming charges. Further, in solving this problem, the inventors also realized that their new location-aware network enabled the provision of location-based services, such as location-based emergency 911 calls, for the first time. In such a location-based emergency 911 call, the network could concurrently determine and transmit the location of cellular telephones to nearby emergency call centers, also known as “Public Safety Answering Points” (“PSAP’s”).

12. In 1991, Dennison and his co-inventors filed for the first of several issued patents (the “Dennison Patents”) covering their invention. Plaintiff Emsat is the assignee of the



Dennison Patents. Plaintiff LBS is the exclusive licensee of the Dennison Patents, and possesses the exclusive right to sue for past, present, and future infringement of the Dennison Patents.

13. Upon information and belief, some five years after the filing of the first patent application resulting in the Dennison patents, in 1996 the Federal Communications Commission (“FCC”) established the Enhanced 911 (“E911”) program. Under “Phase 2” of the E911 program, all cellular telephone service providers in the United States must be capable of providing the location of cellular telephones to PSAP’s with a specified accuracy for a specified percentage of wireless calls.

14. The methods and systems involved in deploying a mobile E911 system as described above are substantially similar to those required to deploy so-called “commercial” location-based services to cell phone subscribers. In fact, commentators have asserted that the FCC-required development of mobile E911 systems allowed the wireless carriers, such as Defendant, to develop and deploy commercial location-based services. These location-based services permit the cell phone user, often for a fee, to use his or her cell phone as a navigation device, to locate nearby products and services and to find friends, among other things.

15. Upon information and belief, Defendant offers for sale, sells, uses, and/or induces the use, offer for sale, and sales of location-based services and systems for cellular telephones. Upon information and belief, these services and systems infringe the following Dennison Patents: U.S. Patent Nos. 5,946,611 (“the ‘611 Patent”), 6,324,404 (“the ‘404 Patent”), 6,847,822 (“the ‘822 Patent”) and 7,289,763 (“the ‘763 Patent”).

#### **COUNT I - INFRINGEMENT OF THE ‘611 PATENT**

16. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

17. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '611 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services.

18. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.

19. Plaintiff Emsat provided Defendant with specific notice of the '611 patent.

20. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

#### **COUNT II - INFRINGEMENT OF THE '404 PATENT**

21. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

22. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '404 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services.

23. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.

24. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

**COUNT III - INFRINGEMENT OF THE '822 PATENT**

25. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

26. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '822 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services, including at least the services known by the following names: TeleNav GPS Navigator and MapQuest Navigator.

27. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.

28. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

**COUNT IV - INFRINGEMENT OF THE '763 PATENT**

29. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

30. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the '763 Patent, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant's offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services, including at least the services known by the following names: TeleNav GPS Navigator and MapQuest Navigator.

31. As a proximate result of Defendant's aforesaid acts and conduct, Plaintiffs have been damaged in an amount to be determined at trial.



32. Plaintiffs are entitled to recover from Defendant damages adequate to compensate for the infringement.

**NOTICE OF PUBLISHED PATENT APPLICATION**

33. Plaintiffs incorporate each of the allegations in paragraphs 1 through 15 as if fully set forth herein.

34. U.S. Patent Application Pub. No. US 2008/0014965 A1 (“the ‘965 Publication”) to Dennison et al., entitled *Cellular Telephone System That Uses Position Of A Mobile Unit To Make Call Management Decisions*, was published on January 17, 2008.

35. Upon information and belief, Defendant has infringed and is continuing to infringe, contribute to the infringement of, and/or induce the infringement of, one or more claims of the ‘965 Publication, all without the consent or authorization of Plaintiffs. Such infringement includes Defendant’s offer for sale, sale, use, and/or inducement of the use, offer for sale, and sales of mobile E911 services and other location based-services, including at least the services known by the following names: TeleNav GPS Navigator and MapQuest Navigator.

36. Defendant is hereby provided actual notice of the ‘965 Publication and Plaintiffs’ provisional rights to a reasonable royalty from Defendant for the period of infringement beginning on the date of publication of the application for such patent and ending on the date the patent issues.

37. Once the ‘965 Publication issues as a patent Plaintiffs will amend their pleadings to allege infringement of such patent and seek damages adequate to compensate for the ongoing infringement and a reasonable royalty for the period of infringement prior to when such patent issued.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court enter judgment in their favor against Defendant and grant the following relief:

- A. Adjudge and decree that Defendant has infringed and is currently infringing, inducing others to infringe, and committing acts of contributory infringement, with respect to the '611, '404, '822, and '763 Patents;
- B. Grant Plaintiffs compensatory damages in an amount to be determined at trial, including both pre-judgment and post-judgment interest; and
- C. Award Plaintiffs such other and further relief as the Court may deem just and proper.

**DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs request a trial by jury of all issues so triable in this action.

Respectfully submitted,



Michael J. Garvin (0025394)

R. Eric Gaum (0066573)

Robert J. Diaz (0077232)

HAHN LOESER & PARKS LLP  
200 Public Square, Suite 3300  
Cleveland, Ohio 44114-2301  
Tel: 216-621-0150  
Fax: 216-241-2824

Attorneys for Plaintiffs EMSAT Geo-Location  
Technology, LLC and Location Based Services  
LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
07 FEB -6 PM 2:00  
TEXAS-EASTERN  
BY

800 ADEPT, INC.,

Plaintiff,

v.

AT&T MOBILITY LLC,  
CELLCO PARTNERSHIP,  
SPRINT NEXTEL CORPORATION, AND  
T-MOBILE USA, INC.

Defendants.

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Civil Action No.

507CV 023

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, 800 Adept, Inc. ("800 Adept") for its Complaint against Defendants, AT&T Mobility LLC ("AT&T"), Cellco Partnership (d/b/a Verizon Wireless, hereinafter "Verizon"), Sprint Nextel Corporation ("Sprint"), and T-Mobile USA, Inc. ("T-Mobile") alleges as follows:

**THE PARTIES**

1. Plaintiff, 800 Adept, is a corporation duly organized and existing under the laws of Florida, having its principal place of business at 238 North Westmonte Dr., Suite 100, Altamonte Springs, FL 32714.

2. Defendant, AT&T, is a corporation duly organized and existing under the laws of Delaware, having its principal place of business at 5565 Glenridge Connector, Atlanta, GA 30342.

3. Defendant, Verizon, is a corporation duly organized and existing under the laws of Delaware, having its principal place of business at One Verizon Way, Basking Ridge, NJ 07920.



4. Defendant, Sprint, is a corporation duly organized and existing under the laws of Kansas, having its principal place of business at 2001 Edmund Halley Dr., Reston, VA 20191.

5. Defendant, T-Mobile, is a corporation duly organized and existing under the laws of Delaware, having its principal place of business at 12920 S.E. 38<sup>th</sup> St., Bellevue, WA 98006.

#### 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 jurisdiction over Plaintiff's federal law claims under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over AT&T, Verizon, Sprint, and T-Mobile (hereinafter "Defendants") in that Defendants have established minimum contacts with the forum. Upon information and belief, each Defendant provides Enhanced 911 ("E911") services that are and have been used, offered for sale, sold, and purchased in Texas, including in this Judicial District. The exercise of jurisdiction over the Defendants would, therefore, not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because Defendants reside in and have and continue to conduct business in this District, including providing E911 services that are and have been used, offered for sale, sold, and purchased in Texas, including in this Judicial District.

#### INFRINGEMENT OF U.S. PATENT NO. RE 36,111

7. The allegations of paragraphs 1-6 above are incorporated herein by reference.

8. United States Patent No. RE 36,111 (hereinafter "the '111 patent"), entitled *Geographically Mapped Telephone Routing Method and System*, was duly and lawfully issued

on February 23, 1999. 800 Adept is the assignee and owner of the '111 patent. A true and correct copy of the '111 patent is attached hereto as Exhibit A.

9. Defendants have each infringed and are infringing the '111 patent by making, using, importing, offering for sale and/or selling in the United States products and/or services, including E911 services, that embody the inventions claimed in the '111 patent and, upon information and belief, by actively inducing and/or contributing to the infringement of the '111 patent by others. Defendants are liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

10. Upon information and belief, Defendants' infringement of the '111 patent is willful and thus entitles 800 Adept to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

11. Upon information and belief, Defendants will continue to directly infringe, induce infringement and/or contribute to the infringement of the '111 patent unless enjoined by this Court.

12. Defendants' acts of infringement have damaged 800 Adept in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendants' infringement of 800 Adept's rights under the '111 patent will continue to damage 800 Adept, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 5,805,689

13. The allegations of paragraphs 1-12 above are incorporated herein by reference.

14. United States Patent No. 5,805,689 (hereinafter "the '689 patent"), entitled *Geographically Mapped Telephone Routing Method and System*, was duly and lawfully issued

on September 8, 1998. 800 Adept is the assignee and owner of the '689 patent. A true and correct copy of the '689 patent is attached hereto as Exhibit B.

15. Defendants have each infringed and are infringing the '689 patent by making, using, importing, offering for sale and/or selling in the United States products and/or services, including E911 services, that embody the inventions claimed in the '689 patent and, upon information and belief, by actively inducing and/or contributing to the infringement of the '689 patent by others. Defendants are liable for infringement of the '689 patent pursuant to 35 U.S.C. § 271.

16. Upon information and belief, Defendants' infringement of the '689 patent is willful and thus entitles 800 Adept to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

17. Upon information and belief, Defendants will continue to directly infringe, induce infringement and/or contribute to the infringement of the '689 patent unless enjoined by this Court.

18. Defendants' acts of infringement have damaged 800 Adept in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendants' infringement of 800 Adept's rights under the '689 patent will continue to damage 800 Adept, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

#### PRAYER FOR RELIEF

WHEREFORE, 800 Adept prays for judgment and seeks relief against AT&T, Verizon, Sprint, and T-Mobile as follows:

A. For judgment that the Defendants have and continue to infringe the '111 patent and the '689 patent;

B. For judgment that the acts of infringement, contributory infringement, and inducing infringement have been and are willful;

C. For preliminary and permanent injunctions, as appropriate, enjoining the aforesaid acts of infringement by Defendants.

D. For an accounting of all damages caused to 800 Adept by Defendants' acts of infringement;

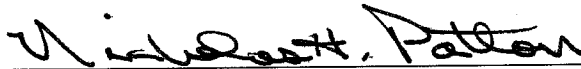
E. For actual damages together with prejudgment and postjudgment interest and all costs incurred in this action;

F. For increased damages and attorney's fees pursuant to 35 U.S.C. §§ 284-285; and

G. For such other and further relief as the Court may deem just and proper.

DATED: February 5, 2007

Respectfully submitted,



Nicholas H. Patton  
SBN: 15631000  
PATTON, TIDWELL & SCHROEDER, L.L.P.  
4605 Texas Boulevard  
P.O. Box 5398  
Texarkana, Texas 75505-5398  
(903) 792-7080  
(903) 792-8233 (fax)

ATTORNEY IN CHARGE FOR PLAINTIFF



OF COUNSEL:

LANIER LAW FIRM, P.C.

W. Mark Lanier       SBN: 11934600  
Eugene R. Egdorf     SBN: 06479570  
Dara G. Hegar        SBN: 24007280  
6810 FM 1960 West  
Houston, Texas 77069  
(713) 659-5200       (713) 659-2204 (fax)

MAHER, GUILLEY & MAHER, PA

Steven R. Maher     SBN: 24030268  
J. Brent Smith      SBN: 887846 (Florida)  
631 W. Morse Blvd., Suite 200  
Winter Park, FL 32789  
(407) 839-0866       (407) 425-7958 (fax)