

Plaintiff,	)	CIVIL ACTION NO. _____
	)	COMPLAINT FOR PATENT
	)	INFRINGEMENT
v.	)	
	)	
AT&T INC., AT&T MOBILITY, LLC	)	JURY TRIAL DEMANDED
AND GOOGLE INC.,	)	
	)	
Defendants.	)	

**STATEMENT OF JURISDICTION**

1. This Court has subject matter jurisdiction over this case under 18 USC §§ 1331, 1338(a).

**NATURE OF THE ACTION**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to obtain damages resulting from Defendants' unauthorized manufacture, use, sale, offer to sell and/or importation into the United States for subsequent use or sale of products, methods, processes, services and/or systems that infringe one or more claims of United States Patent Nos. 6,771,970; 7,907,933; 7,555,110 and, 7,397,910 (collectively the "Asserted Patents") (attached as Exhibits A-D).

3. This action for patent infringement involves Defendants' manufacture, use, sale, offer for sale, and/or importation into the United States of infringing products, methods, processes, services and systems that are primarily used or primarily adapted for use in

4. Plaintiff CallWave Communications LLC (“CallWave”) is a Delaware limited liability corporation with its principal place of business at 136 W. Canon Perdido St., Santa Barbara, CA 93101.

5. Plaintiff CallWave is the assignee or exclusive licensee of all substantial rights, title and interest in and to the Asserted Patents.

6. Defendant AT&T Inc. is a Delaware corporation headquartered at 208 S Akard Street, Dallas, Texas.

7. Defendant AT&T Mobility LLC is a Georgia corporation headquartered at 1025 Lenox Park Blvd., Atlanta, Georgia. Collectively, AT&T Inc. and AT&T Mobility LLC will be referred to as “AT&T”.

8. AT&T is in the business of providing communication functionalities including, but not limited to, mobile telephony services, location tracking, mapping and navigation services, and mobile app and content distribution and billing services.

9. Defendant Google Inc. (“Google”) is a Delaware corporation headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

10. Google is in the business of providing Internet search and communication functionalities including, but not limited to, email services, location-based advertising, telephony services, mapping and navigation services, and mobile app and content distribution.

property because Defendants' conduct results in Plaintiff's loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and/or importing the patented inventions.

12. Defendants' disregard for Plaintiff's property rights threatens Plaintiff's relationships with potential licensees of Plaintiff's patents, including the Asserted Patents. The Defendants will derive a competitive advantage over any of Plaintiff's future licensees from infringing Plaintiff's patented technology.

#### **JURISDICTION AND VENUE**

13. This Court has jurisdiction over the subject matter of this patent infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

14. Defendants are subject to personal jurisdiction in the State of Delaware because they are incorporated in Delaware and regularly transact business in this judicial district and by, among other things, offering their products and services to customers, business affiliates and partners located in this judicial district. In addition, the Defendants have committed acts of direct infringement of one or more of the claims of the Asserted Patents in this judicial district.

15. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because the Defendants are subject to personal jurisdiction in this district, and have committed acts of infringement in this district.

17. United States Patent No. 7,907,933 is entitled "Call Routing Apparatus" and relates to systems and methods of processing a payment over a network.

18. United States Patent 7,397,910 is entitled "Method and Apparatus for Providing Expanded Telecommunications Service" and relates to systems and methods of allowing a user to screen phone calls.

19. United States Patent No. 7,555,110 is entitled "Methods and Apparatus for Providing Expanded Telecommunications Service" and relates to systems and methods for allowing a user to screen phone calls.

#### **EXEMPLARY ACCUSED PRODUCTS**

20. AT&T's Family Map service allows users to track the location of their family members. The service allows a user to track the location of mobile phones and displays the location of the phones on a map.

21. Google's Location Services including Maps and Latitude allow users to find and track the location of themselves and others. The service uses GPS and other location data to determine the location of mobile phones, and displays those phones on a map.

22. AT&T offers direct carrier billing on its mobile network for purchases of applications and content made by its users on the Google Play Store.

23. The Google Play Store is a mobile application and content marketplace. It allows for purchases made on the store to be billed directly to the purchaser's phone bill on the AT&T network.

25. Paragraphs 1 through 24 are incorporated by reference as if fully restated herein.
26. Google had knowledge of the 6,771,970 Patent at least as early as July 14, 2008. Google cited the 6,771,970 Patent in its Information Disclosure Statements on the following patents: 8,171,424; 7,917,866; 7,831,917; 7,797,642, patents relating generally to online personal location technology.
27. Plaintiff CallWave is the exclusive licensee of all substantial rights and interest in and to the 6,771,970 Patent.
28. Defendants make, use, sell, offer to sell and/or import into the United States for subsequent sale or use AT&T's Family Map, and Google's Location Services including Maps and Latitude.
29. AT&T's Family Map, and Google's Location Services including Maps and Latitude infringe, or employ systems, components and/or steps that make use of systems or processes that infringe, one or more of the claims of the 6,771,970 Patent.
30. The Defendants have infringed one or more of the claims of the 6,771,970 Patent through the aforesaid acts, and will continue to do so unless enjoined by this Court.
31. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

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