

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2014 JUN 11 P 4:44

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

SPHERIX INCORPORATED,

Plaintiff,

v.

VERIZON SERVICES CORP.;
VERIZON SOUTH INC.;
VERIZON VIRGINIA LLC;
VERIZON COMMUNICATIONS INC.;
VERIZON FEDERAL INC.;
VERIZON BUSINESS NETWORK
SERVICES INC.;
MCI COMMUNICATIONS SERVICES, INC.

Defendants.

Civil Action No. 1:14cv721-GBL-TCB

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Spherix Incorporated (“Spherix”) for its complaint against defendants Verizon Services Corp., Verizon South Inc., Verizon Virginia LLC, Verizon Communications Inc. (collectively, “Verizon Services, South, Virginia, and Communications”), Verizon Federal Inc., Verizon Business Network Services Inc., and MCI Communications Services, Inc. (“Verizon” for all defendants) alleges as follows:

THE PARTIES

1. Spherix is a corporation duly organized and existing under the laws of the State of Delaware with its principal place of business at 6430 Rockledge Drive, Suite 503, Bethesda, Maryland 20817.

2. Upon information and belief, Verizon Services Corp. (“Verizon Services”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at 1310 North Courthouse Road, Arlington, Virginia 22201.

3. Upon information and belief, Verizon South Inc. (“Verizon South”) is a corporation duly organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 703 East Grace Street, Richmond, Virginia 23219.

4. Upon information and belief, Verizon Virginia LLC (“Verizon Virginia”) is a company duly organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 703 East Grace Street, Richmond, Virginia 23219.

5. Upon information and belief, Verizon Communications Inc. (“Verizon Communications”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at 140 West Street, New York, New York 10013. Verizon Communications can be served with process through its agent CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, Virginia 23060.

6. Upon information and belief, Verizon Federal Inc. (“Verizon Federal”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at 22001 Loudon County Parkway Ashburn, Virginia 20147.

7. Upon information and belief, Verizon Business Network Services Inc. (“Verizon Business”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at One Verizon Way, P.O. Box 627, Basking Ridge, New

Jersey 07920. Verizon Business can be served with process through its agent CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, Virginia 23060.

8. Upon information and belief, MCI Communications Services, Inc. (“MCI”) is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at One Verizon Way, P.O. Box 627, Basking Ridge, New Jersey 07920. MCI can be served with process through its agent CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, Virginia 23060.

JURISDICTION

9. This is an action for patent infringement under the patent laws of the United States, Title 35 U.S.C. of the United States Code, arising from Verizon’s manufacture, use, sale or offer for sale of various products and services, including, but not limited to, network services such as FiOS and telephony services during the term of U.S. Patent Nos. 6,507,648; 6,882,800; 6,980,564; and 8,166,533. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including at least 35 U.S.C. § 271 (a)-(c).

10. Upon information and belief, this Court has personal jurisdiction over Verizon Services because Verizon Services has its principal place of business at 1310 North Courthouse Road, Arlington, Virginia and thus resides in this District, and has transacted business, contracted and committed acts of infringement in this District out of which this complaint arises. Further, Verizon Services has purposefully availed itself of the benefits of this District by filing lawsuits in this District. The exercise of jurisdiction over Verizon Services would not offend traditional notions of fair play and substantial justice.

11. Upon information and belief, this Court has personal jurisdiction over Verizon South because Verizon South is a Virginia corporation with its principal place of business at 703 East Grace Street, Richmond, Virginia and thus resides in this District, and has transacted business, contracted, and committed acts of infringement in this District out of which this complaint arises. Further, Verizon South has purposefully availed itself of the benefits of this District by filing lawsuits in this District. The exercise of jurisdiction over Verizon South would not offend traditional notions of fair play and substantial justice.

12. Upon information and belief, this Court has personal jurisdiction over Verizon Virginia because Verizon Virginia is a Virginia company with its principal place of business at 703 East Grace Street, Richmond, Virginia and thus resides in this District, and has transacted, contracted, and committed acts of infringement in this District out of which this complaint arises. Further, Verizon Virginia has purposefully availed itself of the benefits of this District by filing lawsuits in this District. The exercise of jurisdiction over Verizon Virginia would not offend traditional notions of fair play and substantial justice.

13. Upon information and belief, this Court has personal jurisdiction over Verizon Communications because Verizon Communications is registered to do business, and maintains a registered agent for service of process, in this District, and thus is present in, and has purposefully availed itself of the benefits of the laws of this District, and has directly and through directing and controlling the actions of its wholly-owned subsidiaries and affiliates, Verizon Services, Verizon South, Verizon Virginia, Verizon Federal, Verizon Business, and MCI has transacted business, contracted, and committed acts of infringement in this District out of which this complaint arises. Further, Verizon Communications has purposefully availed itself of the

benefits of this District by filling lawsuits in this District. The exercise of jurisdiction over Verizon Communications would not offend traditional notions of fair play and substantial justice.

14. Upon information and belief, this Court has personal jurisdiction over Verizon Federal because Verizon Federal has its principal place of business at 22001 Loudon County Parkway Ashburn, Virginia and thus resides in this District, and has transacted business, contracted, and committed acts of infringement in this District out of which this complaint arises. The exercise of jurisdiction over Verizon Federal would not offend traditional notions of fair play and substantial justice.

15. Upon information and belief, this Court has personal jurisdiction over Verizon Business and MCI because Verizon Business and MCI are registered to do business, and maintain a registered agent for service of process, in this District, and thus are present in, and have purposefully availed themselves of the benefits of the laws of this District, and have transacted business, contracted, and committed acts of infringement in this District out of which this complaint arises. Further, Verizon Business and MCI have purposefully availed themselves of the benefits of this District by filling at least one lawsuit in this District. The exercise of jurisdiction over Verizon Business and MCI would not offend traditional notions of fair play and substantial justice.

VENUE

16. Upon information and belief, venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400 because defendants, through their contacts with this District, including the making, using, selling and offering for sale of FiOS network services, reside in and are subject to personal jurisdiction in this District.

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