

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VOIP-PAL.COM, INC.

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC.;
CELLCO PARTNERSHIP dba VERIZON
WIRELESS;
VERIZON SERVICES, CORP.; and
VERIZON BUSINESS NETWORK
SERVICES, INC.;

Defendants.

CIVIL ACTION NO. 6:20-cv-00327-ADA

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Under Fed. R. Civ. P. 15(a)(1)(B), Plaintiff VoIP-Pal.com, Inc. (“VoIP-Pal”), for its First Amended Complaint against Defendants Verizon Communications, Inc; Cellco Partnership dba Verizon Wireless; Verizon Services, Inc.; and Verizon Business Network Services, Inc. (collectively, “Verizon Defendants”), alleges as follows:

THE PARTIES

1. Plaintiff VoIP-Pal.com, Inc. (“VoIP-Pal”) is a Nevada corporation with its principal place of business located at 10900 NE 4th Street, Suite 2300, Bellevue, Washington 98004.

2. On information and belief, Defendant Verizon Communications, Inc. is a Delaware corporation with a principal place of business at 140 West Street, New York, New York 10013. Verizon Communications, Inc. may be served with process through its registered

agent, the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. On information and belief, Defendant Cellco Partnership dba Verizon Wireless is a Delaware general partnership with a principal place of business at One Verizon Way Basking Ridge, New Jersey 07920. Cellco Partnership dba Verizon Wireless may be served with process through its registered agent, the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington Delaware 19801. On information and belief, Cellco Partnership dba Verizon Wireless is a wholly owned subsidiary of Verizon Communications, Inc.

4. On information and belief, Defendant Verizon Services Corp. is a Delaware corporation with a principal place of business at 1717 Arch Street, 21st Floor Philadelphia, Pennsylvania 19103. Verizon Services, Corp. may be served with process through its registered agent, the CT Corporation System, at 1999 Bryan St., Ste. 900 Dallas, Texas 75201-3136. Verizon Services, Corp. is registered to do business in the State of Texas and has been since at least November 16, 2001. On information and belief, Verizon Services Corp. is a wholly owned subsidiary of Verizon Communications, Inc.

5. On information and belief, Defendant Verizon Business Network Services Inc. is a Delaware corporation with a principal place of business at 22001 Loudin County Parkway Ashburn, Virginia 20147. Verizon Business Network Services, Inc. may be served with process through its registered agent, the CT Corporation System, at 1999 Bryan St., Ste. 900 Dallas, Texas 75201-3136. Verizon Services, Corp. is registered to do business in the State of Texas and has been since at least March 12, 1973. On information and belief, Verizon Business Network Services, Inc. is a wholly owned subsidiary of Verizon Communications, Inc.

6. On information and belief, the Verizon Defendants regularly conduct and transact business in the State of Texas, throughout the United States, and within this District, and as set forth below, have committed and continue to commit, tortious acts of infringement within and outside the State of Texas and within this District.

JURISDICTION AND VENUE

7. This action is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code (“U.S.C.”) §1 et seq., including 35 U.S.C. §§ 271 and 281-285. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338.

8. This Court has personal jurisdiction over the Verizon Defendants by virtue of their systematic and continuous contacts with this jurisdiction, as alleged herein, as well as because the injury to VoIP-Pal occurred in the State of Texas and the claim for relief possessed by VoIP-Pal against the Verizon Defendants for that injury arose in the State of Texas. On information and belief, the Verizon Defendants have purposely availed themselves of the privileges of conducting business within the State of Texas, such business including but not limited to: (i) at least a portion of the infringements alleged herein; (ii) purposefully and voluntarily placing one or more infringing products into the stream of commerce with the expectation that they will be purchased by consumers in this forum; or (iii) regularly transacting or soliciting business, engaging in other persistent courses of conduct, or deriving or attempting to derive substantial revenue and financial benefits from goods and services provided to individuals residing in the State of Texas and in this District. Thus, the Verizon Defendants are subject to this Court’s specific and general personal jurisdiction under due process and the Texas Long Arm Statute.

9. Personal jurisdiction also exists specifically over the Verizon Defendants because the Verizon Defendants, directly or through subsidiaries or intermediaries (including customers, distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, sells, licenses, imports, advertises, or markets in the State of Texas and in this District, one or more products that infringe the patent-in-suit, as described particularly below. The Verizon Defendants have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the awareness and/or intent that these products will be purchased by consumers in this District. The Verizon Defendants have knowingly and purposefully shipped infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District.

10. VoIP-Pal's claim for relief for patent infringement arises directly from the activities of the Verizon Defendants in this District.

11. On information and belief, the Verizon Defendants, directly and/or through their customers have transacted business in this District and have committed acts of patent infringement in this District. The Verizon Defendants maintain and operate corporate stores in this District, including but not limited to, at 1820 South Valley Mills Drive, Waco, Texas 76711; 5301 Bosque Boulevard, Waco, Texas 76710; and 2812 W Loop 340, Suite# H-12, Waco, Texas, 76711. On information and belief, the Verizon Defendants maintain a call center in this District at 11950 Don Haskins Drive, El Paso, Texas 79936. On information and belief, the Verizon Defendants also maintain and operate data centers in this District at 222 Rotary, San Antonio, Texas, 78202 and 2525 Ridgepoint Drive, Austin Texas, 78754. By virtue of their offices, facilities, and stores in this District, the Verizon Defendants have a regular and

established place of business in this District. Thus, venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

BACKGROUND OF THE TECHNOLOGY AND THE PATENT-IN-SUIT

12. United States Patent No. 10,218,606 (the “’606 patent”) entitled “Producing Routing Messages For Voice Over IP Communications” was duly and legally issued by the United States Patent and Trademark Office on February 26, 2019. A copy of the ’606 patent is attached to this Complaint as Exhibit 1.

13. The ’606 patent is referred to in this Complaint as the “Patent-in-Suit”.

14. The inventions of the Patent-in-Suit originated from breakthrough work and development in the internet protocol communications field.

15. VoIP-Pal has provided significant improvements to communications technology by the invention of novel methods, processes and apparatuses that facilitate communications across and between internet protocol based communication systems and networks, such as internally controlled systems and external networks (e.g., across private networks and between private networks and public networks), including the classification and routing thereof.

16. The earliest telephone systems to receive public use within the United States involved a telephone directly connected to a human operator. A portion of the phone rested on a mechanical hook such that the operator was signaled when the portion was lifted from the hook. A caller would then say the name of the person they wished to call to the operator. If the callee was connected to the same telephone switch board the operator would physically pull out a cable associated with the caller’s phone and plug the cable into a socket associated with the callee’s telephone. While initially very effective compared to no telephone service, this structure quickly proved error prone (operators would connect the wrong party) and limiting to the number of

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