

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

VTRAX TECHNOLOGIES LICENSING, INC. )  
a Florida Corporation, )

Plaintiff, )

Civil Action No. \_\_\_\_\_

v. )

SIEMENS COMMUNICATIONS, INC., )  
a Delaware Corporation, )

**JURY TRIAL DEMANDED**

FLAGSTAR BANCORP, INC., )  
a Michigan Corporation, )

ASSURITY LIFE INSURANCE COMPANY, )  
a Nebraska Corporation, )

AVAYA INC., )  
a Delaware Corporation, )

CSX CORPORATION, )  
a Virginia Corporation, )

PALM COAST DATA, LLC, )  
a Delaware Corporation, )

Defendants. )  
\_\_\_\_\_ )

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, vTRAX Technologies Licensing, Inc. (“vTrax”), for its Complaint against Defendants, Siemens Communications, Inc., Flagstar Bancorp, Inc., Assurity Life Insurance Company, Avaya Inc., CSX Corporation, and Palm Coast Data, LLC, alleges as follows:

## **INTRODUCTION**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

## **THE PARTIES**

2. Plaintiff vTRAX is a Florida Corporation, with a principal place of business located at 5500 Military Trail, Suite #22-317, Jupiter, Florida 33458.

3. On information and belief, Defendant Siemens Communications, Inc. (hereinafter “Siemens”) is a Delaware Corporation, with a principal place of business located at 1001 Yamato Road, Boca Raton, Florida 33431.

4. On information and belief, Defendant Flagstar Bancorp, Inc. (hereinafter “Flagstar”) is a Michigan Corporation, with a principal place of business located at 5151 Corporate Drive, Troy, Michigan 48098.

5. On information and belief, Defendant Assurity Life Insurance Company (hereinafter “Assurity”) is a Nebraska Corporation, with a principal place of business located at 1526 K Street, Lincoln, Nebraska 68508.

6. On information and belief, Defendant Avaya Inc. (hereinafter “Avaya”) is a Delaware Corporation, with a principal place of business located at 211 Mt. Airy Road, Basking Ridge, New Jersey 07920.

7. On information and belief, Defendant CSX Corporation (hereinafter “CSX”) is a Virginia Corporation, with a principal place of business located at 500 Water Street, Jacksonville, Florida 32202.

8. On information and belief, Defendant, Palm Coast Data, LLC (hereinafter “Palm

Coast Data”), is a Delaware Corporation, with a principal place of business located at 11 Commerce Boulevard, Palm Coast, Florida 32164.

**JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271 *et seq.*

10. This Court has personal jurisdiction over each Defendant as: (i) each Defendant maintains regular and systematic business contacts with the State of Florida and within this judicial district and division; (ii) each Defendant purposely, regularly, and continuously conducts business in the State of Florida and within this judicial district and division or is resident here; (iii) each Defendant purposely directs its activities at residents of the State of Florida; (iv) the cause of action set forth herein arises out of or relates to the Defendants’ activities in the State of Florida; and (v) the exercise of jurisdiction over each Defendant will not offend the traditional notions of fair play and substantial justice.

11. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1331, §1338(a), §§1391(b)(c), and §1400(b).

**COUNT ONE: PATENT INFRINGEMENT**

12. vTRAX realleges and incorporates herein the allegations of paragraphs 1 through 11 of this Complaint as if fully set forth herein.

13. On March 8, 2005, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,865,268, entitled “Dynamic, Real-Time Call Tracking For Web-

Based Customer Relationship Management.” A true and correct copy of U.S. Patent No. 6,865,268 is attached hereto as Exhibit “A.”

14. On August 11, 2009, the United States Patent and Trademark Office duly and legally issued a Reexamination Certificate for United States Patent No. 6,865,268. A true and correct copy of the Reexamination Certificate issued for U.S. Patent No. 6,865,268 is attached as Exhibit “B.”

15. vTRAX is the owner, by assignment, of all right, title, and interest in and to U.S. Patent No. 6,865,268 (hereinafter the “‘268 Patent”), including the right to bring suit for past, present, and future patent infringement, and to collect past, present, and future damages.

16. The ‘268 Patent is valid and enforceable.

17. On information and belief, each Defendant has in the past and continues to infringe the ‘268 Patent. The infringing acts of each Defendant include, but are not limited to, each Defendant’s manufacture, use, offer for sale, and/or sale of software and/or methods for the use and operation of a customer service contact center.

18. On information and belief, Siemens’ infringing acts, which constitute infringement of one or more claims of the ‘268 Patent in violation of 35 U.S.C. § 271 include, but are not limited to, Siemens’ manufacture, use, offer for sale, and/or sale of its HiPath ProCenter customer service contact center software and methods.

19. On information and belief, Flagstar’s infringing acts, which constitute infringement of one or more claims of the ‘268 Patent in violation of 35 U.S.C. § 271 include, but are not limited to, Flagstar’s integration of software and/or methods for the use and operation of a customer service contact center into Flagstar’s computer system.

20. On information and belief, Assurity's infringing acts, which constitute infringement of one or more claims of the '268 Patent in violation of 35 U.S.C. § 271 include, but are not limited to, Assurity's integration of software and/or methods for the use and operation of a customer service contact center into Assurity's computer system.

21. On information and belief, Avaya's infringing acts, which constitute infringement of one or more claims of the '268 Patent in violation of 35 U.S.C. § 271 include, but are not limited to, Avaya's manufacture, use, offer for sale, and/or sale of its Contact Center Express and Interaction Center customer service contact center software and methods.

22. On information and belief, CSX's infringing acts, which constitute infringement of one or more claims of the '268 Patent in violation of 35 U.S.C. § 271 include, but are not limited to, CSX's integration of software and/or methods for the use and operation of a customer service contact center into CSX's computer system.

23. On information and belief, Palm Coast Data's infringing acts, which constitute infringement of one or more claims of the '268 Patent in violation of 35 U.S.C. § 271 include, but are not limited to, Palm Coast's integration of software and/or methods for the use and operation of a customer service contact center into Palm Coast's computer system.

24. On information and belief, the Defendants' infringement of the '268 Patent has been, and continues to be, willful and deliberate, entitling vTRAX to increased damages pursuant to 35 U.S.C. §284 and to attorneys' fees pursuant to 35 U.S.C. §285.

25. vTRAX has and continues to suffer damages as a direct and proximate result of each Defendant's infringement of the '268 Patent and will suffer additional and irreparable damages

unless each Defendant is permanently enjoined by this Court from continuing its infringement. vTRAX has no adequate remedy at law.

26. vTRAX is entitled to: (i) damages adequate to compensate it for each Defendant's infringement of the '268 Patent, which amounts to, at a minimum, a reasonable royalty; (ii) treble damages; (iii) attorneys' fees; (iv) costs; and (v) a preliminary and thereafter permanent injunction.

### **PRAYER FOR RELIEF**

WHEREFORE, vTRAX seeks the following relief:

a. That each Defendant be ordered to pay damages adequate to compensate vTRAX for its infringement of the '268 Patent pursuant to 35 U.S.C. § 284;

b. That each Defendant be ordered to pay vTRAX treble damages and attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285;

c. That each Defendant be enjoined from further infringement of the '268 Patent pursuant to 35 U.S.C. § 283;

d. That each Defendant be ordered to pay prejudgment interest;

e. That each Defendant be ordered to pay all costs associated with this action; and

f. That vTRAX be granted such other and additional relief as the Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), vTRAX demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted, this 10th day of March, 2010.

**COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP**

s/David J. George

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