

CSX, Avaya, Others Sued Over Contact Software Patent

By Leigh Kamping-Carder

Law360, New York (March 11, 2010) -- Vtrax Technologies Licensing Inc. has launched a suit accusing companies from a range of industries — including CSX Corp., Avaya Inc. and Assurity Life Insurance Co. — of willfully infringing a patent related to software for customer service contact centers.

The Jupiter, Fla.-based patent holder filed a complaint Wednesday in the U.S. District Court for the Southern District of Florida, alleging six companies had infringed U.S. Patent Number 6,865,268.

In addition to naming railway company CSX, telecommunications provider Avaya and life insurer Assurity, Vtrax hauled Flagstar Bancorp Inc., Palm Coast Data LLC and Siemens Communications Inc. into court.

Flagstar, a Troy, Mich.-based bank with \$14 billion in assets, touts its tech savvy on its Web site, while Palm Coast says it manages subscription and membership services for 900 U.S. magazines and organizations. Siemens Communications is the information technology wing of German conglomerate Siemens AG.

The one thing the defendants have in common, at least according to Vtrax, is their alleged infringement of the '268 patent, titled “Dynamic, real-time call tracking for Web-based customer relationship management.”

The patent is related to electronic customer relationship management applications, specifically a method for tracking calls and communicating with online members or an organization's employees in an interactive, Web-based application.

According to Vtrax, the defendants have infringed the '268 patent by making, using or selling software used to operate customer service contact centers.

In the complaint, the plaintiff targets Siemens' HiPath ProCenter and Avaya's Contact Center Express and Interaction Center. Flagstar, Assurity, CSX and Palm Coast maintain computer systems that incorporate the software in question, according to Vtrax.

“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,” the complaint said. “Vtrax has no adequate remedy at law.”

Several of the defendants are based in Florida, while the others — headquartered in Michigan, Nebraska and New Jersey — regularly conduct business in the state and have directed their activities towards Florida's residents, according to Vtrax.

Roseann Christensen, vice president of marketing services at Assurity, said the company did not have a comment on the suit, as it had not yet seen a copy of the complaint.

“It's kind of new information at this point,” Christensen said.

Representatives for the other defendants did not immediately respond to requests for comment on Thursday. An attorney for Vtrax also did not respond.

Vtrax has asked for damages equal to a reasonable royalty, as well as treble damages, a permanent injunction, attorneys' fees, court costs and other relief.

The patent-in-suit is U.S. Patent Number 6,865,268, issued in March 2005.

The U.S. Patent and Trademark Office issued a reexamination of the patent in August 2009, according to the complaint.

Vtrax is represented by Coughlin Stoia Geller Rudman & Robbins LLP and Sentry Law Group LLC.

Counsel for the defendants was not immediately available.

The case is vTRAX Technologies Licensing Inc. v. Siemens Communications Inc. et al., case number 9:10-cv-80369, in the U.S. District Court for the Southern District of Florida.
