

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLWAVE COMMUNICATIONS, LLC,)	
)	
)	CIVIL ACTION NO. 1:13-cv-00074-RGA
)	
Plaintiff,)	
)	SECOND AMENDED COMPLAINT
)	FOR PATENT INFRINGEMENT
)	
v.)	
)	
TELOVATIONS, INC.,)	JURY TRIAL DEMANDED
)	
AND)	
)	
BRIGHT HOUSE NETWORKS, LLC,)	
)	
Defendants.)	

STATEMENT OF JURISDICTION

1. This Court has subject matter jurisdiction over this case under 28 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, and Defendants' unauthorized use of methods that infringe one or more claims of United States Patent Nos. 8,351,591; 7,822,188; 7,636,428; and 8,064,588 (the "Asserted Patents") (attached as Exhibits A-D, respectively).

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 consumer telephony services, including but not limited to the Defendants' telephony solutions (collectively, "Accused Products").

THE PARTIES

4. Plaintiff CallWave Communications LLC ("CallWave") is a Delaware limited liability corporation with its principal place of business in Newton, Massachusetts.

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

6. Defendant Telovations, Inc. ("Telovations") is a Delaware corporation headquartered at 1410 North Westshore Blvd., Tampa, Florida 33607.

7. Telovations is in the business of providing cloud-computing-based telecommunications services.

8. Defendant Bright House Networks, LLC ("Bright House") is a Delaware Limited Liability Corporation headquartered at 5000 Campuswood Drive, Suite 1, East Syracuse, New York 13057.

9. On information and belief, Bright House acquired Telovations and/or all of its assets on or about December 31, 2012. Telovations continues to operate under its own name.

10. Plaintiff has been and will continue to be harmed by Defendants' infringement of the Asserted Patents. Moreover, Defendants' unauthorized and infringing uses of Plaintiff's patented inventions have threatened the value of this intellectual 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.

11. 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

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

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

14. 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 on information and belief committed acts of infringement in this district.

THE PATENTS-IN-SUIT

15. United States Patent No. 8,351,591 is entitled "Methods and Apparatus for Providing Expanded Telecommunications Service" and relates to processing calls through a telecommunications system, including, at least, by storing in computer readable memory associated with a call processing system a first phone address associated with a first subscriber; storing in computer readable memory a plurality of phone addresses for the first subscriber; participating at the call processing system in a first call associated with the first subscriber, the

first call associated with a second phone address different than the first phone address; placing a first outcall from the call processing system to a first called party, wherein the call processing system inserts at least a portion of the first phone address in a callerID field associated with signaling information associated with the first outcall; causing the first call and the first outcall to be bridged; participating at the call processing system in a second call associated with the first subscriber, the second call involving a subscriber communication device associated with a third phone address different than the first phone address; placing a second outcall from the call processing system to a second called party, wherein the call processing system inserts at least a portion of the first phone address in a callerID field associated with signaling information associated with the second outcall; and causing the second call and the second outcall to be bridged.

16. United States Patent No. 7,822,188 is entitled “Methods and Apparatus for Providing Expanded Telecommunications Service” and relates, *inter alia*, to methods of placing calls from a call processing system in response to a request.

17. United States Patent No. 7,636,428 is entitled “Systems and Methods for Call Screening” and relates to, *inter alia*, systems and methods of allowing a user to screen a call.

18. United States Patent No. 8,064,588 is entitled “Systems and Method for Call Screening” and relates to, *inter alia*, systems and methods for allowing a user to screen a call.

EXEMPLARY ACCUSED PRODUCTS

19. Bright House and Telovations' product, "Mobility" is a telecommunications service that processes calls, screen calls, and can route the calls to mobile devices.

DIRECT INFRINGEMENT OF UNITED STATES PATENT NO. 8,351,591

20. Paragraphs 1 through 19 are incorporated by reference as if fully restated herein.

21. Plaintiff CallWave is the assignee and lawful owner of right, title, and interest in and to the 8,351,591 Patent.

22. Telovations makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States. Bright House makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States.

23. Mobility infringes one or more of the claims of the 8,351,591 Patent. Telovations' use, practice, and/or provision of Mobility infringes one or more claims of the 8,351,591 Patent. Bright House's use, practice, and/or provision of Mobility infringes one or more claims of the 8,351,591 Patent.

24. Defendants have infringed one or more of the claims of the 8,351,591 Patent through the aforesaid acts, and will continue to do so unless enjoined by this Court.

25. Telovations and Bright House have had knowledge of the 8,351,591 Patent, and their infringement of the same, since at least as early as when the complaints were served, January 14, 2013, and March 11, 2013, respectively. Despite this knowledge, on information and belief, they have continued to infringe.

26. On information and belief, Telovations and Bright House have been willfully infringing the 8,351,591 Patent since at least as early as January 14, 2013 and March 11, 2013 respectively, and they continue to willfully infringe.

27. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

DIRECT INFRINGEMENT OF UNITED STATES PATENT NO. 7,822,188

28. Paragraphs 1 through 27 are incorporated by reference as if fully restated herein.

29. Plaintiff CallWave is the assignee and lawful owner of right, title, and interest in and to the 7,822,188 Patent.

30. Telovations makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States. Bright House makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States.

31. Telovations' use, practice, and/or provision of Mobility infringes one or more of the claims of the 7,822,188 Patent. Bright House's use, practice, and/or provision of Mobility infringes one or more of the claims of the 7,822,188 Patent.

32. Defendants have infringed one or more of the claims of the 7,822,188 Patent through the aforesaid acts, and will continue to do so unless enjoined by this Court.

33. Telovations and Bright House have had knowledge of the 7,822,188 Patent, and their infringement of the same, since at least as early as when the complaints were served, January 14, 2013, and March 11, 2013, respectively. Despite this knowledge, on information and belief, they have continued to infringe.

34. On information and belief, Telovations and Bright House have been willfully infringing the 7,822,188 Patent since at least as early as January 14, 2013 and March 11, 2013 respectively, and they continue to willfully infringe.

35. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

DIRECT INFRINGEMENT OF UNITED STATES PATENT NO. 7,636,428

36. Paragraphs 1 through 35 are incorporated by reference as if fully restated herein.

37. Plaintiff CallWave is the assignee and lawful owner of right, title, and interest in and to the 7,636,428 Patent.

38. Telovations makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States. Bright House makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States.

39. Telovations' use, practice, and/or provision of Mobility infringes one or more of the claims of the 7,636,428 Patent. Bright House's use, practice, and/or provision of Mobility infringes one or more of the claims of the 7,636,428 Patent.

40. Defendants have infringed one or more of the claims of the 7,636,428 Patent through the aforesaid acts, and will continue to do so unless enjoined by this Court.

41. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

DIRECT INFRINGEMENT OF UNITED STATES PATENT NO. 8,064,588

42. Paragraphs 1 through 41 are incorporated by reference as if fully restated herein.

43. Plaintiff CallWave is the assignee and lawful owner of all right, title and interest in and to the 8,064,588 Patent.

44. Telovations makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States. Bright House makes, uses, sells, offers to sell, practices, and/or provides Mobility in the United States.

45. Mobility infringes one or more of the claims of the 8,064,588 Patent. Telovations' use, practice, and/or provision of Mobility infringes one or more claims of the 8,064,588 Patent. Bright House's use, practice, and/or provision of Mobility infringes one or more claims of the 8,064,588 Patent.

46. Defendants have infringed one or more of the claims of the 8,064,588 Patent through the aforesaid acts, and will continue to do so unless enjoined by this Court.

47. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

WHEREFORE, Plaintiff prays for judgment against the Defendants, granting Plaintiff the following relief:

48. That this Court adjudge and decree that Defendants have infringed the Asserted Patents;

49. That this Court order an accounting, including a post-verdict accounting, to determine the damages to be awarded to Plaintiff as a result of the Defendants' infringement;

50. That this Court, pursuant to 35 U.S.C. § 284, enter an award to Plaintiff of such damages as it shall prove at trial against the Defendants that is adequate to compensate Plaintiff for said infringement, said damages to be no less than a reasonable royalty together with interest and costs;

51. That this Court assess pre-judgment and post-judgment interest and costs against the Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

52. Grant to Plaintiff such other, further, and different relief as may be just and proper.

JURY DEMAND

53. Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury pursuant to FED. R. CIV. P. 38.

Dated: April 18, 2013

/s/ Edmond D. Johnson

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