

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_

BILLINGNETWORK PATENT, INC.,

Plaintiff,

v.

AVISENA, INC.,

Defendant.

**JURY TRIAL DEMANDED**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Billingnetwork Patent, Inc. ("BNP") complains of Defendant, Avisena, Inc. ("Avisena") as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

**PARTIES AND PATENT**

2. BNP is a Florida corporation that has a principal place of business at 440 North Wells, Suite 640, Chicago, IL 60654.

3. The patent-in-suit is U.S. Patent No. 6,374,229 entitled "Integrated Internet Facilitated Billing, Data Processing and Communication System," which issued on April 16, 2002 ("the '229 patent," Ex. A).

4. BNP owns all right, title and interest in, and has standing to sue for infringement of, the '229 patent.

5. Avisena is a Florida corporation with its principal place of business at 6100 Blue Lagoon Dr., Suite 450, Miami, Florida 33126. Avisena is registered to do business with the Florida Secretary of State as Avisena, Inc. Avisena has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing, in this judicial district, services corresponding to the system accused of infringement.

6. This Court has personal jurisdiction over Avisena by virtue of its tortuous acts of patent infringement which have been committed in the state of Florida and this judicial district, and by virtue of Avisena's transaction of business in the state of Florida.

#### **VENUE**

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391 (c) and 1400(b).

#### **PATENT INFRINGEMENT**

8. The '229 patent relates to a system for billing, data processing and communication.

9. Defendant Avisena has infringed and continues to infringe at least claim 1 of the '229 patent through among other activities, providing and encouraging at least the use of its Avisena Platform system which employs at least the invention of claim 1. Avisena had actual notice of the '229 patent and has acted with the specific intent to induce, contribute to and/or aid and abet others' direct infringement. Hence, Avisena is knowingly and actively inducing others to infringe, contributing to the infringement of others and/or aiding and abetting others' direct infringement (such as its customers,

users and business partners in this judicial district and throughout the United States) through at least such others' use of said system.

10. Avisena's infringement has injured BNP, and BNP is entitled to recover damages adequate to compensate it for such infringement, but, in no event, less than a reasonable royalty.

11. Further, BNP will continue to be injured unless and until this Court enters an injunction prohibiting further inducement of others to infringe, contributory infringement, and/or direct infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, BNP, asks this Court to enter judgment against Defendant and against Defendant's subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate BNP for the infringement that has occurred, together with prejudgment interest from the date infringement of the '229 patent began;

B. An award to BNP of all remedies available under 35 U.S.C. § 284;

C. An award to BNP of all remedies available under 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '229 patent; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

BNP demands a trial by jury on all issues so triable.

DATED this 28th day of May, 2010.

Respectfully submitted,

/s/ Timothy J. Haller

Timothy J. Haller (Florida Bar No. 0018595)

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