

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	)	
	)	
BENTLEY SYSTEMS, INCORPORATED,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action No. 2:05-cv-01629
v.	)	
	)	
PROFESSIONAL SOFTWARE SOLUTIONS, INC.,	)	
	)	
<i>Defendant.</i>	)	
	)	
	)	

**AMENDED CIVIL COMPLAINT**

Plaintiff Bentley Systems, Incorporated (“Bentley”) states an amended complaint for infringement of patent and copyright as follows:

**THE PARTIES**

1. Plaintiff Bentley Systems, Incorporated is a corporation organized under Delaware law with a principal place of business at 685 Stockton Drive, Exton, Pennsylvania 19341.
2. Defendant Professional Software Solutions, Inc. (“ProSoft”) is a corporation organized under Utah law. On information and belief, it also does business as ProSoft and ProSoft NET. ProSoft’s principal place of business is at 1776 North State Street, Suite 200, Orem, Utah 84057.

**JURISDICTION**

3. This is an action for patent infringement brought under 35 U.S.C. §§ 271, 281, 283, 284 and 285 over which this court has subject matter jurisdiction.

4. This is an action for copyright infringement brought under 17 U.S.C. §§501, 502, 503, 504, and 505 over which this court has subject matter jurisdiction.

5. On information and belief, defendant ProSoft has actively solicited clients and/or customers in Pennsylvania, including within the Eastern District of Pennsylvania.

6. On information and belief, defendant ProSoft has done business with clients and/or customers in Pennsylvania, including within the Eastern District of Pennsylvania.

7. Defendant ProSoft has done business with plaintiff Bentley in the Eastern District of Pennsylvania by contracting for a software license and a reseller agreement (both now terminated) from Bentley. Bentley resides in the Eastern District of Pennsylvania. The use of the Bentley Software outside the scope of rights granted in these agreements, and the continuing use of the Bentley Software after termination of these agreements, gives rise to the causes of action stated herein.

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

### **GENERAL ALLEGATIONS**

9. Bentley produces computer aided design software applications known as “MicroStation” and “InRoads.”

10. Bentley is the owner of the following copyright registrations for MicroStation and InRoads and related software components (collectively “the Bentley Software”):

TX-3-087-085	InRoads 1.0
TX-4-284-363	MicroStation 95
TX-5-463-208:	MicroStation v8
TX-5-322-954:	MicroStation/J
TX-5-322-956:	MicroStation SE

TX-5-997-232: Bentley InRoads  
TX-6-006-892: InRoads v8.4  
TX-6-011-127: MicroStation v8 2004 edition  
TX-6-122-714: MicroStation v8.1

11. Bentley is the owner of United States Patent No. 5,784,068 (“the ‘068 patent”) which issued on July 21, 1998.

12. ProSoft was a reseller and licensee granted limited rights to use the Bentley Software under agreements with Bentley.

13. Bentley terminated the reseller agreement effective June 1, 2003.

14. Bentley terminated the license with notice to ProSoft in May 2004 when Bentley learned that ProSoft was using the licensed Bentley Software outside the scope of the rights granted in the license agreements.

15. On information and belief, ProSoft has continued to use the Bentley Software without a license since the termination of the license agreements. On information and belief, ProSoft has made Bentley Software available for the unlicensed use of third parties.

16. Bentley has made repeated demands that ProSoft discontinue its unlicensed use of the Bentley Software.

## **COUNT I**

### **Patent Infringement**

17. Bentley incorporates the allegations of paragraphs 1-16 in full as if they were originally set forth herein.

18. ProSoft’s unlicensed use of the Bentley Software infringes one or more of the claims of Bentley’s U.S. Pat. 5,784,068.

19. ProSoft has induced third parties to infringe Bentley’s U.S. Pat. 5,784,068, and/or contributed to the third parties’ infringement of the patent.

20. ProSoft’s direct, induced and/or contributory infringement of the ‘068 patent has caused and continues to cause harm to Bentley.

21. ProSoft’s continuing unlicensed use of the Bentley Software to cause direct, induced and/or contributory infringement with knowledge that ProSoft has no license constitutes willful infringement.

## COUNT II

### Copyright Infringement

22. Bentley incorporates the allegations of paragraphs 1-16 in full as if they were originally set forth herein.

23. ProSoft's unlicensed use of the Bentley Software infringes, and has caused others to infringe, one or more of the copyrights for which Bentley has obtained registrations in the U.S. Copyright Office, said registrations being listed in paragraph 10 above.

24. ProSoft's continuing infringement of the Bentley copyrights has caused and continues to cause harm to Bentley.

25. ProSoft's infringement of the Bentley copyrights is willful.

### PRAYER FOR RELIEF:

WHEREUPON, plaintiff Bentley Systems, Incorporated prays for relief as follows. This Court should:

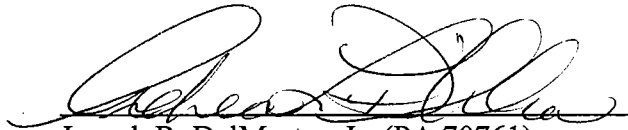
- (A) Enter judgment for Bentley and against ProSoft for patent infringement, including a finding that such infringement is willful;
- (B) Order ProSoft to pay damages for its patent infringement;
- (C) Enter judgment that this is an exceptional case under 35 U.S.C. § 285 and order that the patent damages be enhanced up to three times for willful infringement, and that ProSoft shall pay Bentley's costs and attorneys' fees;
- (D) Enjoin ProSoft from continued infringement of the '068 patent;
- (E) Enter judgment for Bentley and against ProSoft for copyright infringement, including a finding that such infringement is willful;
- (F) Order ProSoft to pay such damages that the Court shall find appropriate under 17 U.S.C. § 504;
- (G) Order ProSoft to pay Bentley's costs and attorneys' fees under 17 U.S.C. § 505;
- (H) Enjoin ProSoft from continued infringement of the Bentley Software;
- (I) Order such other relief that the Court determines to be just and proper.

**JURY DEMAND**

Plaintiff Bentley Systems, Incorporated requests a jury trial.

BENTLEY SYSTEMS, INCORPORATED

Dated: May 2, 2005



Joseph R. DelMaster, Jr. (PA 70761)  
DRINKER BIDDLE & REATH LLP  
1500 K Street NW  
Suite 1100  
Washington, DC 20005  
202-842-8879

David J. Kessler (PA 81551)  
Amy B. Miner (PA 88591)  
Andrea L. D'Ambra (PA 93385)  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103  
215-988-2486

