

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Norfolk Division)

2009 OCT -2 P 3:35

SYBASE 365, LLC )  
)  
)  
Plaintiff, )  
)  
v. )  
)  
TELECOMMUNICATION SYSTEMS, )  
INC. )  
)  
Defendant )

CLEARINGHOUSE COURT  
ALEXANDRIA, VIRGINIA

Civil Action No. 2:09cv493  
RGD/JEB

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Sybase 365, LLC (“Sybase 365”), by its attorneys McDermott Will & Emery LLP, complains of defendant, TeleCommunication Systems, Inc. (“TCS”) as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

**PARTIES AND PATENTS**

2. Sybase 365 is a limited liability company organized and existing under the laws of the State of Delaware, and has its principal place of business at 11180 Sunrise Valley Drive, Reston, Virginia 20191. Sybase 365 is a leading provider of wireless-based products and services.

3. Sybase 365 owns all right, title and interest in, and has standing to sue for infringement of, the following United States Patents: Unites States Patent No. 5,873,040 entitled

“Wireless 911 Emergency Location” (“the ‘040 patent”), and United States Patent No. 7,082,312, entitled “Short Message Gateway, System and Method of Providing Information Service for Mobile Telephones” (“the ‘312 patent”). The ‘040 patent is attached as Exhibit A and is incorporated herein by reference. The ‘312 patent is attached as Exhibit B and is incorporated herein by reference.

4. Defendant TCS is a Maryland corporation with a principal place of business at 275 West Street, Annapolis, Maryland 21401. TCS has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing the products and services accused of infringement in this judicial district.

#### **JURISDICTION AND VENUE**

5. This Court has personal jurisdiction over TCS by virtue of its tortious acts of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district, by virtue of its contribution to and inducement of tortious acts of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district, and by virtue of TCS’ regular and systematic transaction of business in the Commonwealth of Virginia.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 and Local Rule 3(c) because a substantial part of the events giving rise to Sybase 365’s claims occurred in this judicial district and TCS is subject to personal jurisdiction in this district.

7. Venue is also proper in this judicial district because TCS has chosen this judicial district to resolve its patent infringement disputes, see, for example, *Telecommunication Systems, Inc. v. Research in Motion Ltd.* (1:107-cv-01277), *Telecommunication Systems, Inc. v. Mobile*

*365, Inc. (3:06-cv-00485), Telecommunication Systems, Inc. v. Sybase 365 (3:09-cv-00487) and Telecommunication Systems, Inc. v. Sybase 365, Inc. (2:09-cv-00387).*

**ACTS OF PATENT INFRINGEMENT**

8. TCS has infringed, directly or indirectly, one or more claims of the '040 patent through, among other activities, the manufacture, use, importation, sale and/or offer for sale of products, services, methods, and technology integrating wireless emergency 911 communications into a wireless voice network.

9. TCS has infringed, directly or indirectly, one or more claims of the '312 patent through, among other activities, the manufacture, use, importation, sale and/or offer for sale of products, services, methods, and technology permitting the provision of location-based information service for mobile telephones including, but not limited to, TCS' Xy products and services.

10. TCS' infringement has injured Sybase 365 and Sybase 365 is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

11. Sybase 365 has complied with all applicable provisions of 35 U.S.C. § 287 regarding marking and notice.

12. TCS' infringement has injured and will continue to injure Sybase 365, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, importation, offers for sale and/or sale of TCS' infringing products, services and/or technologies that fall within the scope of any of the claims of the '040 and '312 patents.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Sybase 365, asks this Court to enter judgment against TCS, and against its respective 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 Sybase 365 for the infringement that has occurred, together with prejudgment interest from the date infringement of the patents began;
- B. An award to Sybase 365 of all remedies available under 35 U.S.C. § 284;
- C. An award to Sybase 365 of all remedies available under 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '040 and '312 patents; and,
- E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

Sybase 365 demands a trial by jury on all issues so triable.

DATED this 2nd day of October 2009

By:



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