

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

RIBBIT CORPORATION,

Plaintiff,

v.

RATES TECHNOLOGY INC.,

Defendant.

CIVIL ACTION NO. _____

COMPLAINT

Parties

1. Plaintiff Ribbit Corporation (“Ribbit”) is a corporation duly organized pursuant to the laws of the State of Delaware, having its principal place of business at 2750 W. El Camino Real, Suite 288, Mountain View, CA 94040.

2. Defendant Rates Technology Inc. (“RTI”) is a corporation duly organized pursuant to the laws of the State of Delaware, having its principal place of business at 50 Route 111, Suite 210, Smithtown, NY 11787.

Nature of the Action

3. This is an action for declaratory relief regarding RTI’s claim that Ribbit infringed RTI’s patent rights. Ribbit denies this allegation and seeks a declaratory judgment by the Court regarding RTI’s claim.

Jurisdiction and Venue

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. This Court has original jurisdiction over the subject matter of these Claims pursuant to 28 U.S.C. §§ 1331, and 1338(a) and (b).

5. Venue for these Claims is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b). Venue is proper under §1391(b)(1) because RTI is incorporated in this State, and does business in this District, including having filed patent infringement complaint against others. Venue is proper under §1391(b)(2) because a substantial part of the events giving rise to this action occurred in this District.

Facts

6. RTI claims that the United States government has duly and legally issued United States Patent No. 5,425,085 (the “‘085 Patent”), relating to routing of telephone calls. A copy of the ‘085 Patent is attached as Exhibit “A.”

7. RTI claims that Ribbit infringed and continues to infringe the ‘085 Patent. Ribbit denies this and contends that RTI is unlawfully attempting to interfere with Ribbit’s business.

8. RTI claims that the United States government has duly and legally issued United States Patent No. 5,519,769 (the “‘769 Patent”), relating to routing of telephone calls. A copy of the ‘769 Patent is attached as Exhibit “B.”

9. RTI sent a letter to Ribbit on February 7, 2008 asserting that Ribbit infringes the ‘085 patent and the ‘769 patent.

10. RTI claims that Ribbit infringed and continues to infringe the ‘769 Patent. Ribbit denies this and contends that RTI is unlawfully attempting to interfere with Ribbit business.

COUNT I

(Declaratory Relief - 28 U.S.C. §2201)

11. The foregoing Paragraphs 1 through 10 are reiterated and incorporated herein by reference.

12. There is an actual controversy between Ribbit and RTI regarding RTI's alleged patent. Ribbit has not and is not infringing RTI's patent rights, if it has any. This controversy will continue as Ribbit continues to use its own technology.

13. Ribbit seeks a declaratory judgment or decree under 28 U.S.C. §2201 declaring the respective rights and obligations of the parties. There is an actual, substantial, and continuing justiciable controversy between Ribbit and RTI regarding infringement of the '085 patent and the '769 patent. Ribbit is entitled to a judicial declaration that any making, use, sale, offer for sale, marketing, or importation of any Ribbit product or service has not infringed, does not infringe, and will not infringe the '085 patent or the '769 patent, either directly or under the doctrine of equivalents.

WHEREFORE, Ribbit prays that the Court:

- a. Enter judgment in Ribbit's favor against RTI that Ribbit is not infringing any valid RTI's patent rights;
- b. Declare that this case is exceptional pursuant to 35 U.S.C. § 285;
- c. Award Ribbit its attorney's fees and costs of this action; and
- d. Enter judgment for such other relief as is fair and just.

JURY CLAIM

Ribbit Corporation demands trial by jury on all issues so triable.

Dated: February 26, 2008

By: /s/ George Pazuniak

George Pazuniak (DE Bar No. 478)
Stephen J. Mackenzie (DE Bar No. 4791)
Anna Martina Tyreus (DE Bar No. 4771)
Womble Carlyle Sandridge & Rice, PLLC
222 Delaware Avenue, Suite 1501
Wilmington, Delaware 19801
Telephone: (302) 252- 4320
Email: GPazuniak@wcsr.com
Email: SMackenzie@wcsr.com
Email: MTyreus@wcsr.com

Attorneys for Ribbit Corporation