

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

SANDATA TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
FIRST DATA GOVERNMENT)	
SOLUTIONS, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Sandata Technologies, Inc. ("Sandata") for its Complaint against defendant First Data Government Solutions, Inc. ("FDGS"), states and avers as follows:

The Parties

1. Plaintiff Sandata is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 26 Harbor Drive, Port Washington, New York 11050.
2. Upon information and belief, defendant FDGS is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 12500 East Belford Avenue, M14-R, Englewood, Colorado 80112.
3. This is an action for patent infringement arising under the Patent Laws of the United States, United States Code, Title 35.
4. This Court has jurisdiction over the subject matter of this action under Title 28, United States Code §§ 1331 and 1338(a).
5. Upon information and belief, venue in this District is proper under Title 28, United States Code §§ 1391(b), (c) and 1400(b).

Facts

6. U.S. Patent No. 5,255,183 (“the ‘183 patent”), entitled “Telephone-Based Personnel Tracking System,” was duly and legally issued on October 19, 1993. A true and correct copy of the ‘183 patent is attached hereto as Exhibit A.

7. U.S. Patent No. 5,646,839 (“the ‘839 patent”), entitled “Telephone-Based Personnel Tracking System,” was duly and legally issued on July 8, 1997. A true and correct copy of the ‘839 patent is attached hereto as Exhibit B.

8. U.S. Patent No. 5,963,912 (“the ‘912 patent”), entitled “Telephone-Based Personnel Tracking System,” was duly and legally issued on October 5, 1999. A true and correct copy of the ‘912 patent is attached hereto as Exhibit C.

9. On June 30, 2005, Sandata became the owner by assignment of all right, title and interest in and to the ‘183, ‘839 and ‘912 patents and in any licenses previously granted under those patents, including, without limitation, the right to sue and to recover for past and future infringements of the ‘183, ‘839 and ‘912 patents.

10. Upon information and belief, FDGS has made, used, sold, offered for sale and/or licensed telephonic time and attendance systems (“the FDGS Systems”) without license or authorization from either Sandata or its predecessor in interest to the ‘183, ‘839 and 912 patents.

Count One – Infringement of U.S. Patent 5,255,183

11. Sandata hereby incorporates by reference the averments set forth in Paragraphs 1-10 above.

12. FDGS has infringed and is continuing to infringe one or more claims of the '183 patent by making, using, selling, offering for sale and/or licensing the FDGS Systems.

13. On information and belief, FDGS's infringement of the '183 patent is and has been willful and deliberate.

14. Sandata has suffered damages by reason of FDGS's infringement of the '183 patent and will suffer additional damages and will be irreparably injured unless this Court enjoins FDGS from continuing such infringement.

Count Two – Infringement of U.S. Patent 5,646,839

15. Sandata hereby incorporates by reference the averments set forth in Paragraphs 1-10 above.

16. FDGS has infringed and is continuing to infringe one or more claims of the '839 patent by making, using, selling, offering for sale and/or licensing the FDGS Systems.

17. On information and belief, FDGS's infringement of the '839 patent is and has been willful and deliberate.

18. Sandata has suffered damages by reason of FDGS's infringement of the '839 patent and will suffer additional damages and will be irreparably injured unless this Court enjoins FDGS from continuing such infringement.

Count Three – Infringement of U.S. Patent 5,963,912

19. Sandata hereby incorporates by reference the averments set forth in Paragraphs 1-10 above.

20. FDGS has infringed and is continuing to infringe one or more claims of the '912 patent by making, using, selling, offering for sale and/or licensing the FDGS Systems.

21. On information and belief, FDGS's infringement of the '912 patent is and has been willful and deliberate.

22. Sandata has suffered damages by reason of FDGS's infringement of the '912 patent and will suffer additional damages and will be irreparably injured unless this Court enjoins FDGS from continuing such infringement.

Prayer for Relief

WHEREFORE, Sandata requests a judgment:

A. That Sandata is the owner of all right, title and interest in and to U.S. Patent Nos. 5,255,183, 5,646,839 and 5,963,912, together with all rights of recovery under such patents for past and future infringements thereof;

B. That U.S. Patent Nos. 5,255,183, 5,646,839 and 5,963,912 are not invalid and are enforceable in law and that FDGS has infringed these patents;

C. Awarding to Sandata its damages caused by FDGS's infringement of U.S. Patent Nos. 5,255,183, 5,646,839 and 5,963,912, including an assessment of pre-judgment and post-judgment interest and costs;

D. That FDGS's infringement has been willful and that said damages be trebled pursuant to 35 U.S.C. § 284;

E. Entering a preliminary and permanent injunction against FDGS, its officers, agents, servants, employees, all parent and subsidiary corporations and affiliates, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of the injunction, enjoining them from continuing acts of infringement of U.S. Patent Nos. 5,255,183, 5,646,839 and 5,963,912, including, without limitation, from continuing to make, use, sell, offer for sale and/or license the FDGS Systems;

F. That this is an exceptional case and awarding to Sandata its costs, expenses and reasonable attorney fees pursuant to 35 U.S.C. § 285; and

G. Awarding to Sandata such other and further relief as this Court may deem just and proper.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

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