

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

METROPOLITAN LIFE INSURANCE	)	
COMPANY	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. _____
	)	
BANCORP SERVICES, L.L.C.,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT FOR DECLARATORY JUDGMENT OF  
PATENT NON-INFRINGEMENT AND INVALIDITY**

Plaintiff Metropolitan Life Insurance Company ("MetLife"), alleges as follows:

Nature of the Action

1. This is an action for declaratory and injunctive relief as to certain patent rights under the patent laws of the United States, 35 U.S.C. §§ 100 *et seq.*, and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*

Parties, Jurisdiction, and Venue

2. MetLife is an insurance company organized and existing under the laws of the state of New York, with its principal place of business at One Madison Avenue, New York, New York, 10010-3690.

3. Defendant Bancorp Services, L.L.C. ("Bancorp") is a limited liability corporation organized and existing under the laws of the State of Missouri. Upon information and belief, Bancorp has its principal place of business at 1610 Des Peres Road, St. Louis, Missouri 63131.

4. This Court has original jurisdiction of this action under Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, under the patent laws of the United States, 35 U.S.C. §§ 100 *et seq.*, and pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue properly lies in this Court under 28 U.S.C. §§ 1391 and 1400 because Bancorp resides in this judicial district.

Claim for Relief

6. MetLife repeats and realleges all of the allegations contained in the preceding paragraphs as if they were fully set forth herein.

7. MetLife seeks declaratory relief and judgment relating to right under United States Patent No. 7,249,037 ("the '037 Patent"). The '037 Patent, entitled "System for Managing a Stable Value Protected Investment Plan" was issued on July 24, 2007, to Seth C. Koppes, et al., and is assigned to Bancorp. A copy of the '037 Patent is attached hereto as Exhibit A.

8. Upon issuance of the '037 Patent, on July 24, 2007, Bancorp filed an Original Complaint for Patent Infringement ("Texas Complaint") in the United States District Court for the Eastern District of Texas, Case No. 2:07-cv-306 TJW. The Texas Complaint alleges that MetLife is infringing the '037 Patent and seeks entry of a judgment against MetLife, as well as other relief.

9. MetLife disputes Bancorp's allegations of infringement, and asserts that it has performed no act of infringement with respect to any valid claim of the '037 Patent.

10. MetLife further avers that the '037 Patent is invalid under one or more provisions of Title 35 of the United States Code, including 35 U.S.C. §§ 102, 103, and 112, and/or for failing to meet judicially fashioned criteria for patentability and enforceability.

11. Accordingly, an actual justiciable controversy exists between MetLife and Bancorp as to the validity, enforceability, nature, and scope of the '037 Patent, and as to the purported liability of MetLife for infringement thereof.

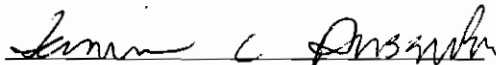
WHEREFORE, MetLife prays that the Court grant the following relief and judgment:

- (a) Declaring that MetLife does not infringe and has not infringed the '037 Patent;
- (b) Declaring that the '037 Patent is invalid, void, and unenforceable;
- (c) Preliminarily and permanently enjoining Bancorp from enforcing the '037 Patent against MetLife;
- (d) Awarding MetLife its costs of this action and reasonable counsel fees; and
- (e) Awarding MetLife such other and further relief as the Court deems just and proper.

Dated: July 25, 2007

Respectfully submitted,

**STINSON MORRISON HECKER LLP**

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