

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BANCORP SERVICES, L.L.C.,)	
)	
Plaintiff)	CASE NO. 2:07-cv-306 TJW
v.)	JURY TRIAL DEMANDED
)	
METROPOLITAN LIFE INSURANCE)	
COMPANY,)	
)	
Defendant.)	
)	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bancorp Services, L.L.C. ("Bancorp") alleges as follows:

PARTIES

1. Bancorp is a Missouri limited liability company with its principal place of business in St. Louis, Missouri.
2. Upon information and belief, defendant Metropolitan Life Insurance Company ("MetLife") is a Delaware corporation with its principal place of business in New York, New York and is doing business in the State of Texas and this judicial district.

NATURE OF ACTION

3. Bancorp seeks injunctive relief and damages for MetLife's acts of patent infringement in violation of the law of the United States. Bancorp is the owner of a patent that claims a novel method and system for managing a life insurance policy including a stable value protected investment.

4. Without Bancorp's permission or consent, MetLife infringes Bancorp's patent. MetLife's conduct is in direct contravention of Bancorp's rights as owner of the patent.

JURISDICTION

5. This action arises under the Patent Act, 35 U.S.C. § 271(a)-(c). This Court has original jurisdiction over the patent infringement claims in this action under 28 U.S.C. §§ 1331 and 1338(a). MetLife is subject to personal jurisdiction in the Eastern District of Texas.

VENUE

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

CLAIM FOR RELIEF

(Patent Infringement--35 U.S.C. § 271(a)-(c))

7. Bancorp realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 6 above, as though set forth at length.

8. Bancorp is the assignee and owner of United States Patent No. 7,249,037 ("the '037 Patent") entitled "System for Managing a Stable Value Protected Investment Plan." A true and correct copy of the '037 Patent is attached to this Complaint as Exhibit A.

9. The '037 Patent was duly and legally issued by the United States Patent and Trademark Office on July 24, 2007.

10. The claims of the '037 Patent cover a method and system for managing a life insurance policy including a stable value protected investment.

11. MetLife is not licensed or otherwise authorized by Bancorp to make, use, offer for sale, or sell the method and system claimed in the '037 Patent.

12. Upon information and belief, MetLife has been and is infringing the '037 Patent by making, using, offering for sale, and selling a method and system for managing a life insurance policy in the manner claimed in the '037 Patent.

13. By reason of MetLife's infringing activities, Bancorp has suffered, and will continue to suffer, substantial damages, in an amount to be proven at trial.

14. MetLife's acts complained of herein have damaged and will continue to damage Bancorp irreparably. Bancorp has no adequate remedy at law for these wrongs and injuries. Bancorp is therefore entitled to a permanent injunction restraining and enjoining MetLife and its agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the '037 Patent.

JURY DEMAND

15. Bancorp hereby demands a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Bancorp prays for judgment in favor of Bancorp and against MetLife as follows:

- A That United States Patent No. 7,249,037 is valid and enforceable;
- B. That MetLife has infringed and is infringing United States Patent No. 7,249,037;
- C. That MetLife and its officers, agents, representatives, servants, and employees and all persons in active concert or participation with them be permanently enjoined from continued infringement of United States Patent No. 7,249,037;
- D. That MetLife be ordered to pay Bancorp damages caused by MetLife's infringement of United States Patent No. 7,249,037, including Bancorp's damages through the date of injunction against further infringement, together with interest thereon;
- E. That Bancorp have such other and further relief as the Court deems just and proper.

Respectfully submitted,



Eric M. Albritton
Texas Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397
ema@emafirm.com

Charles K. Verhoeven
David A. Perlson
QUINN EMANUEL URQUHART OLIVER
& HEDGES, LLP
50 California Street, 22nd Floor
San Francisco, California 94111
(415) 875-6600
(415) 875-6700 (facsimile)

COUNSEL FOR PLAINTIFF
BANCORP SERVICES, L.L.C.