

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EPIC SYSTEMS CORPORATION,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
ACACIA RESEARCH CORPORATION and	)	
RESOURCE SCHEDULING CORPORATION,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff, Epic Systems Corporation (“Epic”), hereby states its complaint against Defendants, Acacia Research Corporation (“Acacia”) and Resource Scheduling Corporation (“RSC”), as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Epic is a Wisconsin corporation with its principal place of business at 1979 Milky Way, Verona, Wisconsin, 53593.
2. Acacia is a Delaware corporation with its principal place of business at 500 Newport Center Drive, 7th Floor, Newport Beach, California, 92660.
3. Resource Scheduling Corporation is a Delaware corporation with its principal place of business at 500 Newport Center Drive, Newport Beach, California, 92660.
4. This Court has subject matter jurisdiction over this matter under 28 *U.S.C.* §§ 1331 and 1338. The matter also involves claims arising under the Patent Laws, Title 35 of the United States Code, for a declaratory judgment of invalidity and non-infringement of U.S. Patent

No. 4,937,743. A copy of the patent is attached as Exhibit A. Jurisdiction is also based on 28 *U.S.C.* §§ 1338(a), 2201 and 2202.

5. Venue for this matter is proper in this Court under 28 *U.S.C.* § 1391.

**FACTS AND CLAIMS**

6. Epic repeats and realleges each and every allegation set forth in paragraphs 1-5 above.

7. This complaint is for declaratory judgment pursuant to 28 *U.S.C.* § 2201, *et. seq.* and arises under the Patent Laws of the United States, 35 *U.S.C.* 1, *et. seq.*

8. On March 24, 2006, Epic received a letter from Acacia and RSC accusing Epic of infringement of U.S. Patent No. 4,937,743 (the “’743 Patent”). On information and belief, Acacia owns the ’743 Patent. In the letter, Acacia claims that it “controls over 40 patent portfolios in various technology disciplines.” The letter also states that RSC owns the rights to license and enforce the ’743 Patent. The letter is attached hereto as Exhibit B. The letter created in Epic a reasonable apprehension of suit by Acacia and RSC against Epic.

9. Accordingly, an actual controversy now exists between Epic and Acacia and RSC with respect to the alleged infringement, validity and enforceability of the claims of the ’743 Patent.

10. Epic has not directly infringed, contributorily infringed, or induced the infringement of any valid and enforceable claim of the ’743 Patent.

11. The ’743 Patent is invalid for failure to comply with the requirements of 35 *U.S.C.* §§ 101, 102, 103 and/or 112, as well as the regulations promulgated thereunder.

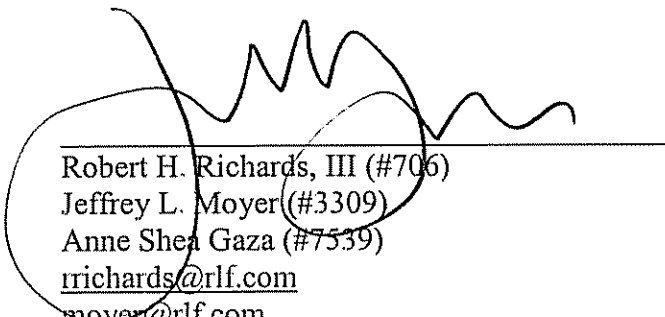
WHEREFORE, Epic demands judgment on its complaint against Acacia and RSC and demands a declaration: (1) that the claims in the ’743 Patent are invalid and unenforceable for each of the reasons set forth above; (2) that the claims in the ’743 Patent are not infringed by

Epic; (3) that Epic is entitled to a full recovery of all of its costs and attorneys' fees; (4) that this case is exceptional; and (5) any such further and other relief as the Court deems appropriate.

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Dated: April 19, 2006



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