

4. Without plaintiff's permission or consent, defendant has and continues to infringe plaintiff's patent. Defendant has infringed the plaintiff's patent with full knowledge that plaintiff is the owner of the patent and that its actions are infringing. Defendant's conduct is in direct contravention of plaintiff's rights as owner of the patent.

PARTIES

5. Plaintiff Bancorp Services, LLC ("Bancorp") is a Missouri limited liability company with its principal place of business in St. Louis, Missouri.

6. Upon information and belief, defendant Metropolitan Life Insurance Company ("Met Life") is a Delaware corporation with its principal place of business in New York, New York and is doing business in the State of Missouri and this judicial district.

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. 5,926,792 ("the '792 patent") entitled "System for Managing a Stable Value Protected Investment Plan." A copy of the '792 patent is attached to this Complaint as Exhibit A.

9. The '792 patent was duly and legally issued by the United States Patent and Trademark Office on July 20, 1999.

10. The claims of the '792 patent cover a method and system for the administration, tracking, and reconciliation of the values of life insurance policies in separate accounts, including stable value protected funds.

11. Defendant is not licensed or otherwise authorized by Bancorp to make, use, offer for sale, or sell the administration method and system claimed in the '792 patent.

12. Upon information and belief, defendant has been and is infringing the '792 patent by making, using, offering for sale, and selling an administrative method and system to track,

reconcile and administer the values of life insurance policies in the manner claimed in the '792 patent.

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

14. Defendant'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 defendant and its agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the '792 patent.

15. Upon information and belief, defendant's infringement has been and continues to be willful.

JURY DEMAND

16. Plaintiff Bancorp hereby demands a jury trial.

PRAAYER FOR RELIEF

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

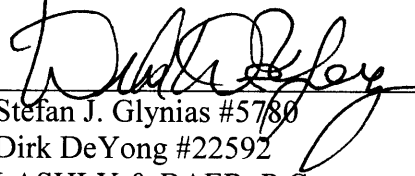
- A. That United States Patent No. 5,926,792 is valid and enforceable;
- B. That defendant has infringed and is infringing United States Patent No. 5,926,792 and that such infringement is willful;
- C. That defendant and its officers, agents, representatives, servants, and employees and all persons in active concert or participation with them be permanently enjoined from continued infringement of United States Patent No. 5,926,792;
- D. That defendant be ordered to pay Bancorp treble its damages caused by defendant's infringement of United States Patent No. 5,926,792, including Bancorp's damages through the date of injunction against further infringement, together with interest thereon;

E. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and that Bancorp be awarded its reasonable attorneys' fees and costs; and

F. That Bancorp have such other and further relief as the Court deems just and proper.

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By



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