

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 *et seq.* and 281-285. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. LRW is transacting and/or has transacted business within the State of Texas. LRW, directly or through intermediaries, is committing acts of infringement in the State of Texas, including at the very least, distributing, selling, offering for sale, advertising, using and/or supporting products or services that fall within one or more claims of Good's patents. LRW is therefore subject to the personal jurisdiction of this Court.

5. LRW, directly or through intermediaries, has committed acts of infringement in this District, including at the very least, distributing, selling, offering for sale, advertising, using and/or supporting products or services that fall within one or more claims of Good's patents. Accordingly, venue to adjudicate whether Good's patents are infringed is appropriate in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391, 1400(b), and 1404(a).

GENERAL ALLEGATIONS

6. Good holds all right, title, and interest in and to United States Patent No. 6,023,708, entitled "System And Method For Using A Global Translator To Synchronize Workspace Elements Across A Network" ("708 Patent"), which was duly and legally issued by the USPTO on February 8, 2000 in the name of Daniel J. Mendez et al. A copy of the '708 Patent is attached as Exhibit A to this Complaint. A Reexamination Certificate for the '708 Patent was duly and legally issued by the USPTO on June 2, 2009. A copy of the Reexamination Certificate of the '708 Patent is attached as Exhibit B to this Complaint.

7. Good holds all right, title, and interest in and to United States Patent No. 6,151,606, entitled "System And Method For Using A Workspace Data Manager to Access,

Manipulate and Synchronize Network Data” (“‘606 Patent”), which was duly and legally issued by the USPTO on November 21, 2000 in the name of Daniel J. Mendez. A copy of the ‘606 Patent is attached as Exhibit C to this Complaint. A Reexamination Certificate for the ‘606 Patent was duly and legally issued by the USPTO on March 24, 2009. A copy of the Reexamination Certificate of the ‘606 Patent is attached as Exhibit D to this Complaint.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 6,023,708

8. Good refers to and incorporates herein the allegations of Paragraphs 1-7 above.

9. LRW makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, products and/or services that allow for over-the-air synchronization of data with smartphone and/or other devices, including at least one or more versions of its Pinecone, Extensia, and/or similar products and/or services (“‘708 Accused Products”). In addition, LRW provides the ‘708 Accused Products to distributors, resellers and/or users.

10. LRW has been and is now directly infringing the ‘708 Patent in this District and elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or distributing within, to, and/or from the United States the ‘708 Accused Products, in violation of 35 USC § 271(a). Alternatively, LRW has indirectly infringed one or more claims of the ‘708 Patent by inducing such use of the claimed methods and systems by its end user customers using the ‘708 Accused Products in violation of 35 USC § 271(b). Alternatively, LRW has contributorily infringed one or more claims of the ‘708 Patent by providing the ‘708 Accused Products directly or by way of distributors and/or resellers to end users, who in turn combine the ‘708 Accused Products, which have no substantial non-infringing

uses, with available hardware and/or software to infringe one or more claims of the '708 Patent in violation of 35 USC § 271(c). Alternatively, LRW has supplied in or from the United States the '708 Accused Products, which comprise all or a substantial portion of the components of the claims of the '708 Patent, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, in violation of 35 USC § 271(f)(1). Alternatively, LRW has supplied in or from the United States the '708 Accused Products, uncombined in whole or in part, which products are especially made or especially adapted for use in practicing the claims of the '708 Patent and are not staple articles or commodities of commerce suitable for substantial noninfringing use, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, in violation of 35 USC § 271(f)(2).

11. Good has been irreparably harmed by LRW's acts of infringement of the '708 Patent, and will continue to be harmed unless and until LRW's acts of infringement are enjoined and restrained by order of this Court. Good has no adequate remedy at law to redress LRW's continuing acts of infringement. The hardships that would be imposed upon LRW by an injunction are less than those faced by Good should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

12. As a result of LRW's acts of infringement, Good has suffered and will continue to suffer damages in an amount to be proved at trial.

COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 6,151,606

13. Good refers to and incorporates herein the allegations of Paragraphs 1-12 above.

14. LRW makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, products and/or services that allow for the remote disabling and/or wiping of information from smartphone and/or other devices, including at least one or more versions of its Pinecone, Extensia, RemoteKill, RemoteLock, and/or similar products and/or services (“’606 Accused Products”). In addition, LRW provides the ’606 Accused Products to distributors, resellers and/or users.

15. LRW has been and is now directly infringing the ’606 Patent in this District and elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or distributing within, to, and/or from the United States the ’606 Accused Products, in violation of 35 USC § 271(a). Alternatively, LRW has indirectly infringed one or more claims of the ’606 Patent by inducing such use of the claimed methods and systems by its end user customers using the ’606 Accused Products in violation of 35 USC § 271(b). Alternatively, LRW has contributorily infringed one or more claims of the ’606 Patent by providing the ’606 Accused Products directly and/or by way of distributors and/or resellers to end users, who in turn combine the ’606 Accused Products, which have no substantial non-infringing uses, with available hardware and/or software to infringe one or more claims of the ’606 Patent in violation of 35 USC § 271(c). Alternatively, LRW has supplied in or from the United States the ’606 Accused Products, which comprise all or a substantial portion of the components of the claims of the ’606 Patent, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within

the United States, in violation of 35 USC § 271(f)(1). Alternatively, LRW has supplied in or from the United States the '606 Accused Products, uncombined in whole or in part, which products are especially made or especially adapted for use in practicing the claims of the '606 Patent and are not staple articles or commodities of commerce suitable for substantial noninfringing use, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, in violation of 35 USC § 271(f)(2).

16. Good has been irreparably harmed by LRW's acts of infringement of the '606 Patent, and will continue to be harmed unless and until LRW's acts of infringement are enjoined and restrained by order of this Court. Good has no adequate remedy at law to redress LRW's continuing acts of infringement. The hardships that would be imposed upon LRW by an injunction are less than those faced by Good should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

17. As a result of LRW's acts of infringement, Good has suffered and will continue to suffer damages in an amount to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

A. That LRW and its parents, affiliates, subsidiaries, officers, agents, servants, employees, attorneys, successors, and assigns, and all those persons in active concert or participation with them, or any of them, be enjoined from making, using, importing, exporting, distributing, supplying, offering for sale, selling, or causing to be sold any product or service falling within the scope of any claim of the '708 and '606 Patents, or otherwise infringing or contributing to or inducing infringement of any claim thereof;

B. A finding that LRW has infringed the '708 and '606 Patents;

C. That Good be awarded its actual damages;

D. That Good be awarded pre-judgment interest and post-judgment interest at the maximum rate allowed by law, including an award of prejudgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '708 and '606 Patents by LRW to the day a damages judgment is entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;

E. That the Court order an accounting for damages through judgment and post-judgment until LRW is permanently enjoined from further infringing activities;

F. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. § 285 and requiring LRW to pay the costs of this action (including all disbursements) and attorneys fees as provided by 35 U.S.C. § 285;

G. That the Court award enhanced damages pursuant to 35 U.S.C. § 284;

H. That the Court award supplemental damages for any continuing post-verdict infringement up until LRW is permanently enjoined from further infringing activities;

I. That the Court award a compulsory future royalty in the event an injunction is not awarded;

J. That Good be awarded such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable of right by a jury.

DATED: June 7, 2011

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam F. Baxter

Sam F. Baxter, Lead Attorney

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**ATTORNEYS FOR PLAINTIFF
VISTO CORPORATION D/B/A
GOOD TECHNOLOGY**

CERTIFICATE OF SERVICE

On June 7, 2011, I electronically submitted the following document with the clerk of court for the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court, I hereby certify that I have served all counsel and/or prose parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

/s/ Sam F. Baxter

Sam F. Baxter