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

VISTO CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:03-cv-333-TJW
	§	(Jury Trial Demanded)
SEVEN NETWORKS, INC.,	§	
	§	
Defendant.	§	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT; INJUNCTIVE RELIEF; DAMAGES; AND DEMAND FOR JURY TRIAL

Plaintiff, Visto Corporation ("Visto"), for its First Amended Complaint herein, alleges that:

JURISDICTION AND VENUE

1. This case is a civil action for patent infringement in violation of 35 U.S.C. § 271, *et seq.*

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §1338(a) and (b), as it involves substantial claims arising under the patent laws of the United States.

3. Venue for the action is proper in the Eastern District of Texas, Marshall Division, pursuant to 28 U.S.C. §1391(b) and (c) and 28 U.S.C. §1400(b), because the asserted claims arose in this district and, on information and belief, defendant, at all times material hereto, has done business in this district.

PARTIES

4. Plaintiff Visto is a Delaware corporation having its principal place of

business at 275 Shoreline Drive, Suite 300, Redwood Shores, CA 94065.

5. Defendant Seven Networks, Inc. ("Seven") is a Delaware corporation having its principal place of business at 901 Marshall Street, Redwood City, CA 94063.

GENERAL ALLEGATIONS

6. Established in 1996, Visto is a leading provider of personal and corporate wireless messaging solutions to mobile operators for personal and corporate use. Visto's technology enables information technology professionals to rapidly deploy a complete, turnkey, cost-effective enterprise-wide mobility solution. The Visto technology provides secure access to the most widely used corporate messaging applications over any network and on a broad array of devices, and supports both browser-based as well as offline-capable devices (e.g. wireless PDAs, smartphones, etc.). Visto has expended considerable resources in inventing and developing its unique products.

7. Visto 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" (the "'708 patent"), filed on May 29, 1997. The '708 patent was duly and properly issued 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 Amended Complaint.

8. Visto holds all right, title and interest in and to United States Patent No. 6,085,192 entitled, "System and Method for Securely Synchronizing Multiple Copies of a Workspace Element in a Network" (the "'192 patent"), filed on April 11, 1997. The '192 patent was duly and properly issued on July 4, 2000 in the name of Daniel J. Mendez, et al. A copy of the '192 patent is attached as Exhibit B to this Amended Complaint.

9. Visto holds all rights, title and interest in and to United States Patent No.

6,131,116 entitled "System and Method for Globally Accessing Computer Services" (the "'116 patent"), filed on December 13, 1996. The '116 patent was duly and properly issued on October 10, 2000 in the name of Mark D. Riggins, et al. A copy of the '116 patent is attached as Exhibit C to this Amended Complaint.

10. Visto holds all rights, title and interest in and to United States Patent No. 5,961,590 entitled, "System and Method for Synchronizing Electronic Mail Between a Client Site and a Central Site" (the "'590 patent"), filed on July 22, 1997. The '590 patent was duly and properly issued on October 5, 1999 in the name of Daniel J. Mendez, et al. A copy of the '590 patent is attached as Exhibit D to this Amended Complaint.

11. Visto holds all rights, title and interest in and to United States Patent No. 5,968,131 entitled, "System and Method for Securely Synchronizing Multiple Copies of a Workspace Element in a Network" (the "'131 patent"), filed on October 26, 1998. The '131 patent was duly and properly issued on October 19, 1999 in the name of Daniel J. Mendez, et al. A copy of the '131 patent is attached as Exhibit E to this Amended Complaint.

12. Visto holds all rights, title and interest in and to United States Patent No. 6,708,221 entitled, "System and Method for Globally and Securely Accessing Unified Information in a Computer Network" (the "'221 patent"), filed on September 20, 2000. The '221 patent was duly and properly issued on March 16, 2004 in the name of Daniel J. Mendez, et al. A copy of the '221 patent is attached as Exhibit F to this Amended Complaint.

13. Defendant Seven provides messaging products and services under the name "System Seven" (the "Accused Products"). The activities of defendant in marketing its products and services infringe, contributorily infringe, and/or induce infringement of at least one claim of the Visto patents-in-suit.

COUNT I

(Infringement of U.S. Patents Nos. 6,023,708, 6,085,192, 6,131,116, 5,961,590, 5,968,131 and 6,708,221)

14. Visto incorporates paragraphs 1 through 13 as though fully restated herein.

15. Seven has infringed and continues to infringe the '708, '192, '116, '590, '131, and '221 patents under 35 U.S.C. § 271 in this judicial district and elsewhere in the United States, by Seven's manufacture, importation, sale, offering for sale, and/or use, without authority or license of Visto, of the Accused Products.

16. Seven has contributorily infringed and continues to contributorily infringe and induce others to infringe the '708, '192, '116, '590, '131, and '221 patents under 35 U.S.C. § 271 in this judicial district and elsewhere in the United States, by Seven's manufacture, importation, sale, offering for sale, and/or use, without authority or license of Visto, of the Accused Products.

17. Seven's acts have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to Visto for which Visto has no adequate remedy at law. Unless preliminarily and permanently enjoined by this Court, Seven will continue to so infringe and induce others to infringe the patents-in-suit.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Visto prays:

1. That defendant Seven, 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 preliminarily and permanently enjoined and restrained from making, importing, using, offering for sale, selling or causing to be sold any product falling within, or designed to conduct a method falling within, the scope of United States

Patents Nos. 6,085,192, 6,023,708, 6,131,116, 5,961,590, 5,968,131 and 6,708,221; or otherwise infringing or contributing to or inducing infringement of any claims of these patents.

2. That defendant Seven, 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 ordered to destroy or offer up to Visto for destruction any and all products within the scope of United States Patents Nos. 6,085,192, 6,023,708, 6,131,116, 5,961,590, 5,968,131 and 6,708,221 in their possession, custody, or control.

3. That Visto be awarded its lost profits, and/or other damages, in an amount not less than a reasonable royalty, to be assessed by or under the Court's discretion, adequate to compensate Visto for infringement of Visto's patent, together with pre-judgment interest.

4. That the Court declare this case an exceptional case pursuant to 35 U.S.C. § 285 and award Visto its attorney's fees.

5. That Visto recover from defendant Seven increased damages in the amount of three times the amount of Visto's actual damages pursuant to 35 U.S.C. § 284.

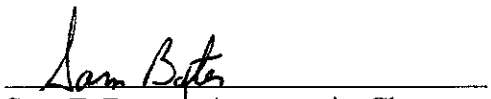
6. That Visto recover from defendant Seven Visto's costs and disbursements in preparing for and pursuing this action.

7. That Visto be awarded such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff Visto requests under Federal Rule of Civil Procedure 38 a trial by jury on all issues triable by right to a jury as declared by the Seventh Amendment or as given by a statute of the United States.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF AND
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon all counsel of record at the addresses listed below, by U.S. Mail, on April 27, 2004.

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EXHIBITS NOT SCANNED

ORIGINALS ARE IN THE

CLERK'S OFFICE