

THE PARTIES

2. Plaintiff Smarter Agent, Inc. is a Delaware corporation having its principal place of business at 200 Federal Street, Suite 300, Camden, New Jersey 08103.

3. Defendant uLocate Communications, Inc. is a Delaware corporation having its principal place of business at 10 Langley Road, Suite 202, Newton Center, Massachusetts 02459.

JURISDICTION AND VENUE

4. This is an action for patent infringement that arises under the Patent Laws of the United States, Title 35 of the United States Code, 35 U.S.C. §§271, *et seq.*

5. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

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

GENERAL ALLEGATIONS

7. Smarter Agent is the leading developer of location-based property search technology in the United States. Smarter Agent's technology combines mobile location technology, such as GPS, with information about real estate.

8. United States Patent No. 6,385,541 B1 ("the '541 patent"), entitled "Global Positioning-Based Real Estate Database Access Device and Method," issued on May 7, 2002, to Brad W. Blumberg and Eric M. Blumberg. A copy of the '541 Patent is attached as Exhibit A.

9. United States Patent No. 6,496,776 B1 (“the ‘776 patent), entitled “Position-Based Information Access Device and Method,” issued on December 17, 2002, to Brad W. Blumberg and Eric M. Blumberg. A copy of the ‘776 Patent is attached as Exhibit B.

10. The ‘541 patent and the ‘776 patent are directed to the receipt of information by a wireless device, based on the location of the wireless device. In embodiments of the patents, the receipt of information associated with real estate is disclosed.

11. Smarter Agent is the exclusive licensee of the ‘541 patent and the ‘776 patent, and has been granted the right to enforce the ‘541 patent and ‘776 patent.

12. According to publicly available information, uLocate recently launched its WHERE service, through which users of the WHERE service can obtain through a wireless device information associated with real estate based on the geographic location of the wireless device.

13. In connection with the WHERE service, users download to their wireless device software that enables the WHERE service functionality.

14. uLocate’s WHERE service competes with Smarter Agent’s technology offerings.

COUNT I
(Infringement of US Patent No. 6,385,541 B1)

15. Smarter Agent incorporates by reference the allegations set forth in paragraphs 1 through 14 of this Complaint as though set forth in full herein.

16. On information and belief, uLocate is directly and/or indirectly infringing, literally or under the doctrine of equivalents, the '541 patent by making, using, selling and offering to sell products and/or services that are within the scope of one or more claims of the '541 patent.

17. On information and belief, uLocate's infringement of the '541 patent is and has been willful and deliberate, has caused and will continue to cause damage to Plaintiff, and has caused and will continue to cause Plaintiff irreparable harm for which there is no adequate remedy at law.

18. On information and belief, uLocate intends to continue its unlawful infringing activity unless enjoined by this Court.

COUNT II
(Infringement of US Patent No. 6,496,776 B1)

19. Smarter Agent incorporates by reference the allegations set forth in paragraphs 1 through 18 of this Complaint as though set forth in full herein.

20. On information and belief, uLocate is directly and/or indirectly infringing, literally or under the doctrine of equivalents, the '776 patent by making, using, selling and offering to sell products and/or services that are within the scope of one or more claims of the '776 patent.

21. On information and belief, uLocate's infringement of the '776 patent is and has been willful and deliberate, has caused and will continue to cause damage to Plaintiff, and has caused and will continue to cause Plaintiff irreparable harm for which there is no adequate remedy at law.

22. On information and belief, uLocate intends to continue its unlawful infringing activity unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Smarter Agent prays that it have judgment against uLocate for the following:

- (1) A decree that the '541 and '776 patents are valid and enforceable;
- (2) A decree that the '541 patent and the '776 patent are infringed by uLocate;
- (3) An injunction enjoining and restraining uLocate and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors and assigns, and all those acting for it and on its behalf, or acting in concert with it, from making, using, offering to sell, selling, and importing into the United States any product and/or service that falls within the scope of any claim of the '541 patent and/or the '776 patent and for all further and proper injunctive relief;
- (4) An award of compensatory damages to Plaintiff, together with pre-judgment and post-judgment interest and costs;
- (5) An award of treble damages to Plaintiff for uLocate's willful infringement of the '541 patent and '776 patent pursuant to 35 U.S.C. § 284;
- (6) A finding that the case is exceptional and an award of Plaintiff's costs and reasonable attorneys' fees under 35 U.S.C. § 285 or other applicable law; and
- (7) Such other relief, at law or in equity, as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff

Smarter Agent, Inc. hereby demands trial by jury of all issues triable of right by a jury.



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