

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
WEBXCHANGE INC.,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	
DELL INC.,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff WebXchange Inc. ("WebXchange") hereby files this complaint for patent infringement against Dell Inc. ("Dell") and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. On information and belief, this Court has personal jurisdiction over the Defendant by virtue of its incorporation in the state of Delaware and its presence and business activities within this judicial district.

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

THE PARTIES

4. WebXchange is a Delaware corporation with its principal place of business at 222 Stanford Avenue, Menlo Park, California 94025. WebXchange is a provider of innovative software products, services and solutions that enable distributed transaction processing and control over public and private networks, including, without limitation, the

“Internet” and the “World-Wide Web”. WebXchange’s products are covered by several U.S. Patents issued to its founder, CEO and Chairperson, Dr. Lakshmi Arunachalam.

5. Dr. Arunachalam is a leader in the development of high-speed computer network architecture and Internet service infrastructure. She has extensive domestic and international experience in the design and implementation of internet and intranet solutions, network security, global marketing and software development. Dr. Arunachalam founded WebXchange in 1996 to foster the development of her pioneering work in real-time transactional technologies over public and private networks.

6. On information and belief, Dell is a Delaware corporation, with its principal place of business at One Dell Way, Round Rock, Texas 78682.

GENERAL ALLEGATIONS

7. On July 7, 1998, U.S. Patent No. 5,778,178, entitled “Method And Apparatus For Enabling Real-Time Bi-Directional Transactions On A Network” (“the ‘178 patent”), was duly and legally issued by the United States Patent and Trademark Office with Lakshmi Arunachalam as the named inventor. The entire right, title, and interest in and to the ‘178 patent have been assigned to WebXchange. The ‘178 Patent has been in full force and effect since its issuance. A true and correct copy of the ‘178 patent is attached hereto as Exhibit A.

8. On April 3, 2001, U.S. Patent No. 6,212,556, entitled “Configurable Value-Added Network (VAN) Switching” (“the ‘556 patent”), was duly and legally issued by the United States Patent and Trademark Office with Lakshmi Arunachalam as the named inventor. The entire right, title, and interest in and to the ‘556 patent have been assigned to WebXchange.

The '556 Patent has been in full force and effect since its issuance. A true and correct copy of the '556 patent is attached hereto as Exhibit B.

9. On March 4, 2008, U.S. Patent No. 7,340,506 entitled "Value-Added Network Switching And Object Routing" ("the '506 patent"), was duly and legally issued by the United States Patent and Trademark Office with Lakshmi Arunachalam as the named inventor. The entire right, title, and interest in and to the '506 patent have been assigned to WebXchange. The '506 Patent has been in full force and effect since its issuance. A true and correct copy of the '506 patent is attached hereto as Exhibit C.

10. The '178, '556 and '506 patents (collectively "the Patents-in-Suit") involve technology for enabling real-time, distributed, two-way transactional capabilities on, for example, without limitation, the Internet and World-Wide Web.

11. On information and belief, Defendant Dell is a worldwide supplier of various computers, computer systems and services. On information and belief, Dell has implemented integrated software systems that use and/or facilitate real-time two-way distributed transactions to optimize its sales, customer service and technical support services. On information and belief, by way of example and without limitation, one such system, the Integrated Dell Desktop ("IDD") integrates multiple applications by accessing a services layer on Dell servers from desktop computers and allows real-time transactional capabilities between the servers and desktop computers.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,778,178 BY DEFENDANT

12. Paragraphs 1-11 are hereby incorporated by reference as if fully set forth herein.

13. On information and belief, Defendant has been and is now infringing, inducing infringement, and contributing to the infringement of the '178 patent by making, using, selling, offering to sell, instructing and/or supporting the use by others in the U.S. of devices, systems and methods covered by one or more claims of the '178 patent in violation of 35 U.S.C. § 271, *et seq.* Defendant's infringing acts include, by way of example and without limitation, its making, using, selling, offering for sale, instructing and/or supporting the use by others of the Integrated Dell Desktop and other software systems that make use of and/or facilitate real-time two-way distributed transactions over the Internet.

14. The infringement of the '178 patent by Defendant has caused and will continue to cause WebXchange substantial and irreparable injury, for which it is entitled to receive all relief provided for by 35 U.S.C. §§ 283 and 284, including, but not limited to, injunctive relief, damages and costs where appropriate.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,212,556 BY DEFENDANT

15. Paragraphs 1-14 are hereby incorporated by reference as if fully set forth herein.

16. On information and belief, Defendant has been and is now infringing, inducing infringement, and contributing to the infringement of the '556 patent by making, using, selling, offering to sell, instructing and/or supporting the use by others in the U.S. of devices, systems and methods covered by one or more claims of the '556 patent in violation of 35 U.S.C. § 271, *et seq.* Defendant's infringing acts include, by way of example and without limitation, its making, using, selling, offering for sale, instructing and/or supporting the use by others of the

Integrated Dell Desktop and other software systems that make use of and/or facilitate real-time two-way distributed transactions over the Internet.

17. The infringement of the '556 patent by Defendant has caused and will continue to cause WebXchange substantial and irreparable injury, for which it is entitled to receive all relief provided for by 35 U.S.C. §§ 283 and 284, including, but not limited to, injunctive relief, damages and costs where appropriate.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 7,340,506 BY DEFENDANT

18. Paragraphs 1-17 are hereby incorporated by reference as if fully set forth herein.

19. On information and belief, Defendant has been and is now infringing, inducing infringement, and contributing to the infringement of the '506 patent by making, using, selling, offering to sell, instructing and/or supporting the use by others in the U.S. of devices, systems and methods covered by one or more claims of the '506 patent in violation of 35 U.S.C. § 271, *et seq.* Defendant's infringing acts include, by way of example and without limitation, its making, using, selling, offering for sale, instructing and/or supporting the use by others of the Integrated Dell Desktop and other software systems that make use of and/or facilitate real-time two-way distributed transactions over the Internet.

20. The infringement of the '506 patent by Defendant has caused and will continue to cause WebXchange substantial and irreparable injury, for which it is entitled to receive all relief provided for by 35 U.S.C. §§ 283 and 284, including, but not limited to, injunctive relief, damages and costs where appropriate.

DEMAND FOR RELIEF

WHEREFORE, WebXchange requests entry of judgment that:

- a. Defendant has infringed and/or induced or contributed to the infringement of the Patents-in-Suit;
- b. Defendant and its respective officers, agents, servants, employees, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Defendant be preliminarily and permanently enjoined from infringing, inducing infringement, and/or contributing to the infringement of the Patents-in-Suit;
- c. Defendant provide an accounting of its revenues, profits and gains resulting directly or indirectly from Defendant's infringement of the Patents-in-Suit;
- d. Damages be awarded to WebXchange to compensate for Defendant's infringement of the Patents-in-Suit;
- e. Defendant pay WebXchange pre-judgment and post-judgment interest on the damages awarded;
- f. In the event a permanent injunction against future acts of infringement is not granted by the Court, that WebXchange be awarded a compulsory ongoing license fee; and
- g. WebXchange be granted such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), WebXchange demands a jury trial for all issues so triable.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Jack B. Blumenfeld (#1014)

Julia Heaney (#3052)

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899

(302) 654-9200

jblumenfeld@mnat.com

jheaney@mnat.com

Attorneys for Plaintiff WebXchange Inc.

Of Counsel:

Lawrence B. Goodwin

Peter J. Toren

Charlotte Pontillo

Stefan R. Stoyanov

Eric Stieglitz

KASOWITZ, BENSON, TORRES

& FRIEDMAN LLP

1633 Broadway

New York, NY 10019

(212) 506-1700

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