

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

**RPOST HOLDINGS, INC., RPOST
INTERNATIONAL LIMITED, and RMAIL
LIMITED,**

Plaintiffs,

v.

**CANADA POST CORPORATION and
INNOVAPOST, INC.**

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs RPost Holdings, Inc., RPost International Limited, and RMail Limited for their Complaint against Canada Post Corporation and Innovapost, Inc. allege as follows:

PARTIES AND PATENT-IN-SUIT

1. Plaintiff RMail Limited (“RMail”) is a corporation organized under the laws of the Nation of Bermuda. It is the owner of United States Patent No. 6,182,219 (“the ’219 patent”). The ’219 patent entitled “Apparatus and Method for Authenticating the Dispatch and Contents of Documents” is generally directed to novel apparatuses and methods for authenticating that a sender has electronically transmitted certain information via a dispatcher to a recipient.

2. The ’219 patent was duly and legally issued by the United States Patent and Trademark Office on January 30, 2001 after full and fair examination. The ’219 patent is valid and enforceable. A true and correct copy of the ’219 patent is attached as Exhibit A.

3. RPost International Limited (“RPI”) is a corporation organized under the law of the Nation of Bermuda. It is a licensee, from RMail, of the ’219 patent.

4. RPost Holdings, Inc. (“RPH”) is a corporation organized under the laws of the State of Delaware having a business office in Plano, Texas. It is a licensee, from RPI, of the ’219 patent.

5. On information and belief, Defendant Canada Post Corporation is an autonomous entity believed to be a corporation whose sole owner is the federal government of Canada and functions as Canada’s primary postal operator. Canada Post has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing the technologies accused of infringement in this judicial district.

6. Upon information and belief, Canada Post has its principal place of business at 2701 Riverside Dr., Ottawa, Ontario K1A 0B1, Canada. Upon information and belief, Canada Post is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Upon information and belief, Canada Post resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Canada Post may be served with process in Canada pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

7. On information and belief, Defendant Innovapost, Inc. is a Canadian corporation that provides information systems, information technology services, and e-commerce solutions. Innovapost’s majority owner is Canada Post Corporation. Innovapost has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing the technologies accused of infringement in this judicial district.

8. Upon information and belief, Innovapost has its principal place of business at 365 March Road, Ottawa, Ontario K2K 3N5. Upon information and belief, Innovapost is a

nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Upon information and belief, Innovapost resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Innovapost may be served with process in Canada pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

JURISDICTION AND VENUE

9. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

11. On information and belief, Defendants are subject to this Court's general and specific personal jurisdiction because each Defendant has minimum contacts within the State of Texas and the Eastern District of Texas, including via their respective websites, pursuant to due process and/or the Texas Long Arm Statute, each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Plaintiffs causes of action arise directly from Defendants business contacts and other activities in the State of Texas and in the Eastern District of Texas.

12. More specifically, each Defendant directly and/or through intermediaries makes, offers for sale, sells, and/or advertises (including the provision of an interactive website)

products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, Defendants have committed patent infringement in the State of Texas and in the Eastern District of Texas. Defendants solicit customers in the State of Texas and in the Eastern District of Texas. Upon information and belief, Defendants have paying customers who are residents of the State of Texas and the Eastern District of Texas and who use Defendants' products and services in the State of Texas and in the Eastern District of Texas.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,182,219

13. Upon information and belief, Defendant Canada Post has been and now is infringing '219 patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling and/or offering for sell software products and services, including but not limited to PosteCS™, that authenticate that a sender has electronically transmitted certain information via a dispatcher to a recipient. Canada Post is thus liable for infringement of the '219 patent pursuant to 35 U.S.C. § 271.

14. Upon information and belief, Canada Post's infringement of the '219 patent has been and/or is willful.

15. As a result of Canada Post's infringement of the '219 patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Canada Post's infringing activities are enjoined by this Court.

16. Unless a permanent injunction is issued enjoining Canada Post's and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert with Canada Post from infringing the '219 patent, Plaintiffs will be greatly and irreparably harmed.

17. Upon information and belief, Defendant Innovapost has been and now is infringing '219 patent in the State of Texas, in this judicial district, and elsewhere in the United

States by making, using, importing, selling and/or offering for sell software products and services, including but not limited to PosteCS™, that authenticate that a sender has electronically transmitted certain information via a dispatcher to a recipient. Innovapost is thus liable for infringement of the '219 patent pursuant to 35 U.S.C. § 271.

18. Upon information and belief, Innovapost's infringement of the '219 patent has been and/or is willful.

19. As a result of Innovapost's infringement of the '219 patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Innovapost's infringing activities are enjoined by this Court.

20. Unless a permanent injunction is issued enjoining Innovapost's and their agents, servants, employees, representatives, affiliates, and all others acting in active concert with Innovapost from infringing the '219 patent, Plaintiffs will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that this Court enter:

1. A judgment in favor of Plaintiffs that Defendants have infringed the '219 patent, and that such infringement has been and is willful;

2. A permanent injunction enjoining Defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert with Defendants from infringing the '219 patent;

3. A judgment and order requiring Defendants to pay Plaintiffs its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '219 patent as provided under 35 U.S.C. § 284;

4. An award to Plaintiffs for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs its reasonable attorneys' fees; and

6. Any and all other relief that the Court or the jury may deem proper and just.

DEMAND FOR JURY TRIAL

Plaintiffs RPost Holdings, Inc., RPost International Limited, and RMail Limited, under Rule 38 of the Federal Rules of Civil Procedure, request a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: January 10, 2010

By: /s/ Winston O. Huff

Winston O. Huff, Attorney in Charge
State Bar No. 24068745
Huff Legal Group, P.C.
2500 Dallas Parkway, Suite 260
Plano, TX 75093
972.826.4467 (Direct)
972.378.9111 (Firm)
214.593.1972 (Fax)
wohuff@hufflegallgroup.com

OF COUNSEL:

Lewis E. Hudnell, III
Hudnell Law Group P.C.
244 Fifth Avenue Suite 240H
New York, New York 10001
Tel: 347.855.4772
Fax: 347.772.3034
lewis@hudnelllaw.com

**ATTORNEYS FOR PLAINTIFFS
RPOST HOLDINGS, INC., RPOST
INTERNATIONAL LIMITED, AND RMAIL
LIMITED**

CERTIFICATE OF FILING

I hereby certify that on January 10, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

By: /s/ Winston O. Huff

Winston O. Huff, Attorney in Charge
State Bar No. 24068745
Huff Legal Group, P.C.
2500 Dallas Parkway, Suite 260
Plano, TX 75093
972.826.4467 (Direct)
972.378.9111 (Firm)
214.593.1972 (Fax)
wohuff@hufflegalgroup.com