

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

MACROSOLVE, INC.,

Plaintiff,

v.

- (1) ANTENNA SOFTWARE, INC.;
- (2) CENGEA SOLUTIONS, INC.;
- (3) DATA SYSTEMS INTERNATIONAL,
INC.;
- (4) ENVIRONMENTAL SYSTEMS
RESEARCH INSTITUTE, INC.;
- (5) INVENSYS SYSTEMS, INC. (d/b/a
INVENSYS OPERATIONS
MANAGEMENT);
- (6) TRUECONTEXT MOBILE
SOLUTIONS CORPORATION;
- (7) SPRING WIRELESS USA, INC.;
- (8) ZERION SOFTWARE, INC.;
- (9) BIZSPEED, INC.;
- (10) SYCLO, L.L.C.;
- (11) XORA, INC.;
- (12) SPIRA DATA CORP.;
- (13) SURVEY ANALYTICS LLC;
- (14) THE DATAMAX SOFTWARE GROUP
INC.;
- (15) VENTYX INC.;
- (16) AIR2WEB INC.;
- (17) GENERAL DATA COMPANY, INC.;
- (18) REALTIME RESULTS, LLC;
- (19) MILLENIUM INFORMATION
TECHNOLOGY, INC. (d/b/a MIT
SYSTEMS, INC.); and
- (20) AGILIS SYSTEMS, LLC,

Defendants.

CIVIL ACTION NO. 6:11-cv-287

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff MacroSolve, Inc. ("MacroSolve") files this original complaint against the above-named defendants, alleging, based on its own knowledge with respect to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. MacroSolve is a corporation formed under the laws of the State of Oklahoma, with a principal place of business in Tulsa, Oklahoma.

2. Defendant AGILIS SYSTEMS, LLC (“Agilis”) is a corporation organized under the laws of the State of Delaware, with a principal place of business at 12747 Olive Blvd., Suite 200; Saint Louis, MO 63141. Agilis may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Agilis engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

3. Defendant ANTENNA SOFTWARE, INC. (“Antenna”) is a corporation organized under the laws of the State of Delaware, with a principal place of business at 111 Town Square Place; Jersey City, NJ 07310. Antenna may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Antenna engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

4. Defendant CENGEA SOLUTIONS, INC. (“Cengea”) is a corporation organized under the laws of Canada, with a principal place of business at 259 Portage Avenue, Suite 700; Winnipeg, MB R3B 2A9, Canada. Cengea may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Cengea engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

5. Defendant DATA SYSTEMS INTERNATIONAL, INC. (“Data Systems”) is a corporation organized under the laws of the state of Missouri, with a principal place of business at 7801 West 110th Street; Overland Park, KS 66210. Data Systems may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Data Systems engages in business in Texas

but has not designated or maintained a resident agent for service of process in Texas as required by statute.

6. Defendant ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (“ESRI”) is a corporation organized under the laws of the state of California, with a principal place of business at 227 North Loop 1604 East, Suite 100; San Antonio, TX 78232-1260. ESRI may be served with process by serving its registered agent, CT Corporation Systems; 350 N. St. Paul St., Ste. 2900; Dallas, TX 75201-4234.

7. Defendant INVENSYS SYSTEMS, INC. (dba INVENSYS OPERATIONS MANAGEMENT) (“Invensys Operations”) is a corporation organized under the laws of the state of Massachusetts, with a principal place of business at 5601 Granite Parkway III, Suite 1000; Plano, TX 75024. Invensys Operations may be served with process by serving its registered agent for service, Registered Agent Solutions, Inc.; 515 Congress Ave., Suite 2300; Austin, TX 78701-0000.

8. Defendant TRUECONTEXT MOBILE SOLUTIONS CORPORATION (“TrueContext”) is a corporation organized under the laws of Canada, with a principal place of business at 535 Legget Drive; Ottawa, Ontario; K2K 3B8 Canada. TrueContext may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because TrueContext engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

9. Defendant SPRING WIRELESS USA, INC. (“Spring Wireless”) is a corporation organized under the laws of Washington, with a principal place of business at 5600 Tennyson Parkway, Suite 240; Plano, TX 75024. Spring Wireless may be served with process by serving its registered agent for service, Corporation Service Company, 211 East 7th Street, Suite 620; Austin, TX 78701-3218.

10. Defendant ZERION SOFTWARE, INC. (“Zerion”) is a corporation organized under the laws of the state of Virginia, with a principal place of business at 610

Herndon Parkway, Suite 600a; Herndon, VA 20170. Zerion may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Zerion engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

11. Defendant BIZSPEED, INC. (“BizSpeed”) is a corporation organized under the laws of the state of Delaware, with a principal place of business in Houston, Texas. BizSpeed may be served with process by serving its registered agent for service, Andrew Easter, 1954 Haddon Street; Houston, TX 77019.

12. Defendant SYCLO, L.L.C. (“Syclo”) is a corporation organized under the laws of the state of Illinois, with a principal place of business at 1721 Moon Lake Blvd., Suite 300; Hoffman Estates, IL 60169. Syclo may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Syclo engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

13. Defendant XORA, INC. (“Xora”) is a corporation organized under the laws of the state of Delaware, with a principal place of business at 1890 N. Shoreline Blvd.; Mountain View, CA 94043. Xora may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Xora engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

14. Defendant SPIRA DATA CORP. (“Spira”) is a corporation organized under the laws of Canada, with a principal place of business at 1035 7th Avenue SW, Suite 102; Calfary, Alberta; T2P 3E9 Canada. Spira may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Spira engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

15. Defendant SURVEY ANALYTICS LLC (“Survey Analytics”) is a corporation organized under the laws of the state of Washington, with a principal place of business at 3518 Fremont Ave. N, No. 598; Seattle, WA 98103. Survey Analytics may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Survey Analytics engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

16. Defendant THE DATAMAX SOFTWARE GROUP INC. (“DataMAX”) is a corporation organized under the laws of the state of California, with a principal place of business at 8911 N. Capital of Texas Highway, No. 3220; Austin, TX 78759. DataMAX may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because DataMAX engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

17. Defendant VENTYX INC. (“Ventyx”) is a corporation organized under the laws of the state of Delaware, with a principal place of business at 800 Town & Country Blvd., Suite 500; Houston, TX 77024. Ventyx may be served with process by serving its registered agent for service, CT Corp. System; 350 N. St. Paul, Ste. 2900; Dallas, TX 75201-4234.

18. Defendant AIR2WEB INC. (“Air2Web”) is a corporation organized under the laws of the state of California, with a principal place of business at 3424 Peachtree Road NE, Suite 400; Atlanta, GA 30326. Air2Web may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Air2Web engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

19. Defendant GENERAL DATA COMPANY, INC. (“General Data”) is a corporation organized under the laws of the state of Pennsylvania, with a principal place of

business at 4354 Ferguson Drive, Cincinnati, Ohio 45245-1667. General Data may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because General Data engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

20. Defendant REALTIME RESULTS, LLC (“Realtime Results”) is a limited liability company organized under the laws of the state of Delaware, with a principal place of business at 12444 Powerscourt Dr., Suite 375; St. Louis, MO 63131. Realtime Results may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Realtime Results engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

21. Defendant MILLENIUM INFORMATION TECHNOLOGY, INC. (d/b/a MIT SYSTEMS, INC.) (“MiT Systems”) is a limited liability company organized under the laws of the state of California, with a principal place of business at 1400 N. Harbor Blvd., Suite 610; Fullerton, CA 92835. MiT Systems may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because MiT Systems engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

JURISDICTION AND VENUE

22. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

23. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, each defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

24. Each defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to each defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,822,816

25. On October 26, 2010, United States Patent No. 7,822,816 ("the 816 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "System and Method for Data Management." A true and correct copy of the 816 patent is attached hereto as Exhibit A.

26. MacroSolve is the owner of the 816 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 816 patent against infringers, and to collect damages for all relevant times.

27. Agilis directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least SmartForms products and/or services) that infringed one or more claims of the 816 patent, and/or Agilis induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

28. Antenna directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Antenna Mobility Platform and/or Volt platform products and/or services) that infringed one or more claims of the 816 patent, and/or Antenna induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

29. Cengea directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Cengea Mobile Software Framework products and/or services) that infringed one or more claims of the 816 patent, and/or Cengea induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

30. Data Systems directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least dcLINK platform and/or *MOBILEApps* products and/or services) that infringed one or more claims of the 816 patent, and/or Data Systems induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

31. ESRI directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least ArcGIS and/or ArcPad products and/or services) that infringed one or more claims of the 816 patent, and/or ESRI induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

32. Invensys Operations directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Wonderware IntelaTrac application platform products and/or services) that infringed one or more claims of the 816 patent, and/or Invensys Operations induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

33. TrueContext directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least TrueContext ProntoForms products and/or services) that infringed one or more claims of the 816 patent, and/or TrueContext induced infringement

and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

34. Spring Wireless directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Spring Wireless mobility platform products and/or services) that infringed one or more claims of the 816 patent, and/or Spring Wireless induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

35. Zerion directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least iForm Builder mobile platform products and/or services) that infringed one or more claims of the 816 patent, and/or Zerion induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

36. BizSpeed directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least goRoam mobile platform products and/or services) that infringed one or more claims of the 816 patent, and/or BizSpeed induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

37. Syclo directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Agency Mobile Platform products and/or services) that infringed one or more claims of the 816 patent, and/or Syclo induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

38. Xora directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems

(including at least Xora GPS mobile enterprise products and/or services) that infringed one or more claims of the 816 patent, and/or Xora induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

39. Spira directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Spira Mobile Enterprise Application Platform products and/or services) that infringed one or more claims of the 816 patent, and/or Spira induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

40. Survey Analytics directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Mobile Research Platform products and/or services) that infringed one or more claims of the 816 patent, and/or Survey Analytics induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

41. DataMAX directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least RFGen Mobile Framework products and/or services) that infringed one or more claims of the 816 patent, and/or DataMAX induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

42. Ventyx directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Service Suite Mobile Workforce Management Platform products and/or services) that infringed one or more claims of the 816 patent, and/or Ventyx induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

43. Air2Web directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Mobile Development Suite application development platform products and/or services) that infringed one or more claims of the 816 patent, and/or Air2Web induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

44. General Data directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Enterprise Mobile Computing products and/or services) that infringed one or more claims of the 816 patent, and/or General Data induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

45. Realtime Results directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least Open Door Sales Solution products and/or services) that infringed one or more claims of the 816 patent, and/or Realtime Results induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

46. MiT Systems directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least MiT EzSales Mobile products and/or services) that infringed one or more claims of the 816 patent, and/or MiT Systems induced infringement and/or contributed to the infringement of one or more of the claims of the 816 patent by its customers.

47. MacroSolve has been damaged as a result of the infringing conduct by defendants alleged above and, thus, such defendants are liable to MacroSolve in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a

reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

MacroSolve hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

MacroSolve requests that the Court find in its favor and against defendants, and that the Court grant MacroSolve the following relief:

a. Judgment that one or more claims of the 816 patent have been infringed, either literally and/or under the doctrine of equivalents, by one or more defendants and/or by others to whose infringement defendants have contributed and/or by others whose infringement has been induced by defendants;

b. A permanent injunction enjoining defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing infringement of, or contributing to infringement of the 816 patent;

c. Judgment that defendants account for and pay to MacroSolve all damages to and costs incurred by MacroSolve because of defendants' infringing activities and other conduct complained of herein;

d. That MacroSolve be granted pre-judgment and post-judgment interest on the damages caused by defendants' infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award MacroSolve its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That MacroSolve be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 6, 2011

Respectfully submitted,

/s/ Matthew J. Antonelli
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