

**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.**

**ZIX CORPORATION,**

Defendant.

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT**

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

**NATURE OF THE ACTION**

1. This action for patent infringement arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq.

**PARTIES**

2. 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. 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 laws 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 and has a business office in Plano, Texas. It is a licensee, from RPI, of the ’219 patent.

5. Upon information and belief, Zix Corporation is a corporation organized and existing under the laws of the State of Texas and has its principal place of business at 2711 N. Haskell Avenue, Suite 2200, Dallas, Texas 75204-2960. Zix Corporation provides e-mail encryption and certification services. Zix Corporation regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

6. Upon information and belief, Zix Corporation resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). Zix Corporation has committed acts of infringement and other unlawful acts in this judicial district and does regular business in this judicial district, including providing the technologies accused of infringement in this judicial district. Upon information and belief, Zix Corporation has appointed Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7TH Street, Suite 620, Austin, Texas 78701-3218 as its agent for service of process.

#### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1338(a) (patent infringement).

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b), (c), and/or 1400(b). On information and belief, Defendant conducts business in this district, the claims alleged in this

Complaint arise in this district, and the acts of infringement have taken place and are continuing to take place in this district.

9. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has minimum contacts within the State of Texas and the Eastern District of Texas, including via its website, pursuant to due process and/or the Texas Long Arm Statute, Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; 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 Defendant's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

10. More specifically, 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, Defendant has committed acts of infringement in the State of Texas and in the Eastern District of Texas. Defendant solicits customers in the State of Texas and in the Eastern District of Texas. Upon information and belief, Defendant has paying customers who are residents of the State of Texas and the Eastern District of Texas and who use Defendant's products and services in the State of Texas and in the Eastern District of Texas.

**COUNT I**  
**PATENT INFRINGEMENT**

11. Upon information and belief, Defendant Zix Corporation has been and now is infringing the '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 ZixMail®, that authenticate that a sender has electronically

transmitted certain information via a dispatcher to a recipient. Zix Corporation is thus liable for infringement of the '219 patent pursuant to 35 U.S.C. § 271.

12. Upon information and belief, Zix Corporation's infringement of the '219 patent has been and/or is willful.

13. As a result of Zix Corporation'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 Zix Corporation's infringing activities are enjoined by this Court.

14. Unless a permanent injunction is issued enjoining Zix Corporation's and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert with Zix Corporation 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 Defendant has infringed the '219 patent, and that such infringement has been and is willful;

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

3. A judgment and order requiring Defendant to pay Plaintiffs its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's 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 Defendant's 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;

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 31, 2011

By: /s/ Winston O. Huff

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**ATTORNEYS FOR PLAINTIFFS  
RPOST HOLDINGS, INC., RPOST  
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LIMITED**

**CERTIFICATE OF FILING**

I hereby certify that on January 31, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

By: /s/ Winston O. Huff

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