

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
FREDERICK FOSTER
(b) County of Residence of First Listed Plaintiff PHILA PA
(c) Attorney's (Firm Name, Address, and Telephone Number)
:PRO SE; 5049 LANCASTER AVENUE PHILADELPHIA PA 19131
215-668-1332

DEFENDANTS
PITNEY BOWES, INC; U.S. POSTAL SERVICE
County of Residence of First Listed Defendant STAMFORD CT
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
REAL PROPERTY
PERSONAL INJURY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1331, 1339, 1400
Brief description of cause:
DEFENDANTS INFRINGED UPON PLAINTIFF'S INTELLECTUAL PROPERTY

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ 33,000,000
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE NOV. 23, 2011
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 5049 LANCASTER AVENUE PHILADELPHIA PA 19131

Address of Defendant: 1 ELMCROFT ROAD STAMFORD CT

Place of Accident, Incident or Transaction: PHILADELPHIA PA (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE, IF ANY: NONE

Case Number: Judge: Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [X] Patent
6. [] Labor-Management Relations
7. [] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, FREDERICK FOSTER, PRO SE, counsel of record do hereby certify:

- [] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[] Relief other than monetary damages is sought.

DATE: NOV. 23, 2011

Handwritten signature of Frederick Foster

Attorney-at-Law

PRO SE

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: NOV. 23, 2011

Handwritten signature of Frederick Foster

Attorney-at-Law

PRO SE

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

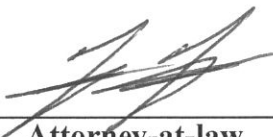
CASE MANAGEMENT TRACK DESIGNATION FORM

FREDERICK FOSTER : CIVIL ACTION
v. :
PITNEY BOWES, INC, ET AL : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>NOV. 23, 2011</u> Date	 Attorney-at-law	<u>PRO SE</u> Attorney for
<u>215-668-1332</u> Telephone	<u>855-722-2026</u> FAX Number	<u>FDFosterLLC@hotmail.com</u> E-Mail Address

**FREDERICK D. FOSTER
PRO SE PLAINTIFF
5049 LANCASTER AVENUE
PHILADELPHIA, PA 19131
215-668-1332**

PRO SE PLAINTIFF

FREDERICK D. FOSTER	:	UNITED STATES DISTRICT COURT
5049 LANCASTER AVENUE	:	EASTERN DISTRICT-PENNSYLVANIA
PHILADELPHIA PA 19131	:	
Plaintiff	:	
v.	:	
	:	CASE NO.:
PITNEY BOWES CORPORATION	:	
1 ELMCROFT ROAD	:	
STAMFORD CT 06926	:	
and	:	
UNITED STATES POSTAL SERVICE	:	
475 L'ENFANT PLAZA	:	
WASHINGTON DC 20260	:	
and	:	
JOHN DOES 1-10	:	
(identities supplied upon discovery)	:	
Defendants.	:	

COMPLAINT

I. INTRODUCTION, JURISDICTION AND VENUE

1. This is an action for an award of compensatory, statutory, treble and punitive damages, attorney's fees and costs, also seeking equitable, injunctive and other relief, for Defendants' infringing on the plaintiff's Intellectual Property, Patent and/or Pending Patent in violation of 35 U.S.C. 1, et seq., through conspiring to violate the Postal Accountability Enhancement Act. This action also seeks declaratory relief for the benefit of the citizens of the United States in the form of a declaration that the Universal Service Obligation of the United States Postal Service, as further explained below, extends to electronic mail, and that the USPS has, and has had, a duty to control all mail. Jurisdiction is based upon Title 28 U.S.C.A. Section 1331 (relating to federal question), 1339 (relating to postal matters), and 1400, relating to patents and copyrights. Plaintiff further invokes the pendent jurisdiction of this Honorable Court to consider claims

arising under state law. Defendants undisputedly conduct sufficient business in this judicial district to satisfy venue requirements.

II. PARTIES

2. Plaintiff, FREDRICK D. FOSTER, ("Plaintiff") Pro-se, is a U.S. citizen who resides at 5049 Lancaster Avenue in Philadelphia, PA 19131.

3. Defendant, PITNEY BOWES, INC., ("PBI") is a body corporate or politic doing business in the Commonwealth of Pennsylvania, throughout the United States, and internationally, with United States headquarters located at 1 Elmcroft Road, Stamford CT 06926-0700.

4. Defendant, UNITED STATES POSTAL SERVICE (USPS) is a quasi U.S. Governmental Agency located at 475 L'Enfant Plaza SW Washington DC 20260-0010 and is run by Patrick Donahue the Post Master General.

III. BACKGROUND

5. Nearly every person and every business in the world has been deeply affected in countless ways as the use of the World Wide Web ("WWW" or "the Internet") has spread, notwithstanding the fact that the WWW was, and remains, an open frontier where safety and security can be, and often are, easily compromised, and where financial predators, sexual predators, and all manner of lawlessness, abound.

6. On the WWW/Internet, so-called "cyber-criminals", can create unregistered and unverified fictitious business entities, and then, through predatory conduct, victimize large numbers of "customers" who have little or no recourse because the perpetrators' anonymity is preserved. At the same time, anyone, at all, in complete anonymity, could become a "webmaster" and establish on the WWW certain "social websites" where random citizens could establish countless random "electronic mail" or "email" accounts using wholly fabricated, completely unregistered and unverified identities, in furtherance of their criminal intent.

7. While these social websites offered, and continue to offer, nearly instantaneous delivery of email, there was never any requirement that the citizens using these accounts, nor the webmasters administering them, ever register and/or verify their true identities, leading to all manner of predatory abuses without recourse against such abusers. In numerous respects, the lawlessness of the WWW of today is similar to the lawlessness and rampant anarchy of another WWW, the Wild Wild West, of centuries ago, which was ultimately tamed by the government of the United States.

The Universal Service Obligation and The Postal Monopoly

8. With enactment of the Postal Accountability and Enhancement Act (“PAEA”) of 2006, the Postal Regulatory Commission was tasked with providing a report (<http://www.prc.gov/Docs/61/61628/USO%20Report.pdf>) (hereinafter “USO Report”) on universal service and the postal monopolies to the President and Congress by December 19, 2008.

9. The overarching universal service obligation (“USO”) of the Postal Service is set forth in section 101(a) of title 39 as “the obligation to provide postal services to bind the Nation together through ... the correspondence of the people ... [by providing] ... services to patrons in all areas and ... to all communities.” In the [Postal Regulatory] Commission’s view, the USO has seven principal attributes: geographic scope; product range; access; delivery; pricing; service quality; and an enforcement mechanism. These seven attributes are admittedly general in nature. Their generality promotes the evolution of postal service to meet an ever-changing mix of demands and opportunities. For example, the geographic scope of postal service has expanded over time from the needs during colonial times, through the period of westward expansion, to the needs of today. Over this long period, the country has become larger, the terrain over which service is provided has become more varied, and the distances between potential mailers and recipients have increased. As the changes have occurred, the geographic scope of postal service has expanded to meet the overall

objective of binding the Nation together by providing service to all of the people of the United States. (Pg. 18, PRC USO Report).

10. Even before the term “universal service obligation” was applied to postal service, the Post Office Department and its successor, the United States Postal Service, recognized, sometimes implicitly, the obligation that it had to the citizens of the United States. As political, economic, and social demands have changed over time, our citizens have benefited from a USO that has had the flexibility to evolve with those changes. (Pg. 18, PRC USO Report).

11. The terms “letter monopoly” and “postal monopoly” refer to the exclusive right of the Postal Service to carry and deliver certain categories of mail. The term “mailbox monopoly” refers to the Postal Service’s exclusive right to deposit mailable matter in any mailbox. The term “postal monopolies” refers to both the letter monopoly and the mailbox monopoly. (footnotes Pg. 10 PRC USO Report)

12. Congress requested a report that identifies “the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users” (Pg. 12 PRC USO Report)

13. Postal service has been impacted by the emergence of alternative and competing forms of communication, such as telegraph and telephone, and more recently fax, internet, and computer- and communication-enabled express and package services. (Pg. 15 PRC USO Report)

14. The USO both authorizes and requires the Postal Service to deliver the mail. The method of such delivery—whether to the door, the curbside, to cluster boxes, to roadside mailboxes, to post office boxes, or by general delivery—is left to the discretion of the Postal Service. (Pg. 20 PRC USO Report)

15. Section 403 makes similar broad statements of the Postal Service’s obligation. Section 403(a) directs the Postal Service to “receive, transmit, and deliver ... *written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest.*” (emphasis added). Section 403(b)(2) requires the Postal Service

“to provide *types of mail service to meet the needs of different categories of mail and mail users.*” (emphasis added). On their face, these broad formulations suggest that all forms of mail matter should be considered to be part of the Postal Service’s USO. (Pg. 24 PRC USO Report)

16. Section 101(f) requires that “[i]n selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of *all mail* ...(emphasis added).” Once again, the statutory language does not distinguish between mail products, but expressly applies to “all” mail. (Pg. 24 PRC USO Report)

17. As history has demonstrated, what is necessary to bind the Nation together changes over time. When it does, the USO requires that the Postal Service respond. (Pg. 25 PRC USO Report)

18. The second statutory provision providing an enforcement mechanism applicable to service quality standards is section 3691. That section was enacted as part of the PAEA and requires the Postal Service to promulgate “modern service standards”. (Pg. 32 PRC USO Report)

19. The United States Postal Service (“USPS”), has, since its very inception as the Post Office Department in 1775 when Benjamin Franklin was named the nation’s first Postmaster General, operated under a federal mandate to control all mail. Title 39, Section 101.1 of the United States Code states directly that the USPS shall “have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people ... [and] provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities.”

20. Despite this obligation, the USPS failed to properly adapt its statutory role in mail delivery, and its overall business model, to the advent of the Internet and as a result has suffered mightily, losing many billions of dollars every year due largely to the migration of its customers to the WWW, even with all the Internet’s aforesaid uncertainty, lawlessness, and lack of security.

Plaintiff Conceives a Solution

21. With sincere concern for the plight of citizens being victimized on the WWW, and for the plight of The USPS bleeding billions and billions of dollars in losses every year, Plaintiff conceived the "Virtual Post Office Box/Internet Passport, powered by Global Registration and Verification" ("VPOBIP"), which plaintiff envisioned as a safe haven on the Internet where "real people" and "real businesses" would subscribe and be registered and verified by proving their identities by presenting their credentials at a Post Office to the USPS, who would administrate the "safe haven" and collect subscription fees.

22. Plaintiff's concept envisioned the USPS offering an Internet environment where citizens and businesses could function virtually without fear of cyber predators, because the hazards of Internet usage, caused mostly by the anonymity of and lack of recourse against abusers, are almost completely eliminated. Plaintiff envisioned his concept protecting the citizens from the wide open dangers of the WWW while rescuing the USPS from the brink of financial ruin.

IV. OPERATIVE FACTS

23. Plaintiff submitted his concept to the United States Patent and Trademark Office on or about May 7, 2007. A true copy of Plaintiff's patent application is attached hereto, incorporated herein, and marked Exhibit "A." Plaintiff then introduced the concept to the USPS on or about May 25, 2007, to Linda Kingsley, Senior Vice President Strategy and Transition via U S Mail, a true copy of the communication introducing the concept is attached hereto, incorporated herein, and marked Exhibit "B." Linda Kingsley assigned the case to Linda Stewart, instructing Plaintiff to upload VPOBIP Introduction into the USPS Innovations Initiatives Data Base. Plaintiff uploaded the VPOBIP Introduction on or about June 11, 2007, a true copy of the VPOBIP Introduction upload is attached hereto, incorporated herein, and marked Exhibit "C."

24. Thereafter, Plaintiff engaged in numerous conversations with the decision makers at the USPS, including Linda Stewart, Vice President of Strategic Planning, and Thomas Cinelli, Manager Strategic Business Initiatives.

As a result of the numerous conversations concerning the Plaintiff's concept, the USPS, by way of Thomas Cinelli, explained to Plaintiff that the proposal would be presented to the USPS Stakeholders, which included Defendant PBI, a major machinery supplier to the USPS at the time.

25. Thomas Cinelli, after receiving approval from the Stakeholders, began discussing with Plaintiff a pilot program of the VPOBIP system. Thomas Cinelli referred Plaintiff to the Postal Accountability Enhancement Act and explained the forecasted profit for the VPOBIP Pilot would have to be under \$10,000,000 (Ten Million Dollars) to begin the pilot without the approval of the Postal Regulatory Commission (PAEA Sec. 203 (e) (1) Dollar Amount Limitations). Thomas Cinelli and Plaintiff conducted a conference call with Plaintiff's Attorney Adam Shapiro, Esquire, discussing the VPOBIP Pilot, a true copy of invoice from Attorney Shapiro, memorializing the conference regarding the pilot program, is attached hereto, incorporated herein, and marked Exhibit "D." Mr. Cinelli ultimately concluded that the forecasted profit for the VPOBIP would exceed \$10,000,000.00 (ten million dollars), which directed Plaintiff to commence communications with the Postal Regulatory Commission.

26. In August 2007, Plaintiff began communications with various legislators, agencies, and regulators of postal affairs, including the HR Federal Workforce Oversight Committee, Government Accountability Office (GAO), Office of the Inspector General (OIG), and the Postal Regulatory Commission (PRC), in the continuing effort to navigate the beaurocratic morass in dealing with the numerous governmental agencies whose participation might be required in bringing this grand proposal to fruition.

27. Despite almost immediately embracing and recognizing the potential benefits and rewards of Plaintiff's concept when it was first introduced to Defendant USPS and shared with stakeholders such as Defendant PBI in or about June 2007 as aforesaid, the slow, slow pace of attempting to actually implement such an idea caused two years to pass without substantial progress toward an actual launch. Finally, in September 2009, the PRC suggested that Plaintiff seek support from Defendant, PBI, a USPS stakeholder which would

have been exposed to Plaintiff's idea through Plaintiff's 2007 communications with Thomas Cinelli, as previously described in paragraph 24 above.

28. The PRC contacted Defendant PBI to brief them on the Plaintiff's proposed system and to arrange direct communication between Plaintiff and Defendant PBI. By email dated September 29, 2009, the PRC directed Plaintiff to communicate directly with a certain John Campo, Vice President of Postal Relations at Defendant PBI. A true copy of the relevant communications are attached hereto, incorporated herein, and marked as Exhibit "E".

29. On October 1, 2009, Plaintiff communicated directly with Defendant PBI through Mr. Campo, including telephone conversations and an email from Plaintiff to Defendant PBI containing three introductory documents describing the VPOBIP idea, Plaintiff's notice of patent rights, and intent of the contact. A true copy of said email is attached, incorporated herein, and marked as Exhibit "F".

30. In March or April 2011, Defendant PBI launched "Volly.com" which Plaintiff alleges to be a direct violation of the applicable patent laws, due to the fact that many features of Volly.com are a direct copy of the Plaintiff's original creation under US Patent No. 7,707,119 and US Patent Application No. 12/129,755 and also includes elements that the plaintiff has originated and is in the patent pending stage of the patent application process.

31. At no time during any of these discussions did Mr. Campo or any other representative of Defendant PBI ever indicate that they were planning to cut out Plaintiff and utilize his concepts to create a program such as Volly.com; to the contrary, Plaintiff always thought that he had an ongoing business relationship with Defendant USPS and Defendant PBI and their respective representatives in the expectation that they would permanently co-partner with plaintiff in the implementation of the VPOBIP System.

32. At all relevant times, Plaintiff dealt with defendants in good faith, creating and designing the VPOBIP System for ultimate use by the USPS, and imparting any and all confidential, proprietary and patented information created by Plaintiff, to Defendants.

33. Plaintiff avers that each and every aspect of the VPOBIP System provided to defendants PBI and USPS by plaintiff were, in fact, confidential.

34. Notwithstanding the obligation of defendants to keep the proprietary information generated by Plaintiff about the VPOBIP System as confidential, and in clear infringement of Plaintiff's patent, the Defendant, PBI, in partnership with Defendant USPS, without the knowledge or consent of the Plaintiff, entered into an agreement regarding the implementation of the "Volly.com" program, which contained virtually identical elements to the VPOBIP System fully described by Plaintiff to Defendant USPS beginning in 2007 and to PBI through the confidential communications dated October 1, 2009.

35. The partnering by the Defendants PBI and USPS to implement this Volly.com program, to the exclusion of the participation of Plaintiff, is a direct violation and breach of the confidentiality obligations between the parties, an infringement upon Plaintiff's patent rights, entitling Plaintiff not only to compensatory damages for loss of income and disgorgement of profits, but also subsequent damages.

36. In February 2011, nearly four years after Plaintiff first communicated his concepts to the USPS and the Office of the Inspector General ("OIG"), the OIG began a series of reports entitled, "The Postal Service Role in the Digital Age."

37. The first such report, (http://www.uspsoidg.gov/foia_files/RARC-WP-11-002.pdf) dated February 24, 2011, made such observations as:

"The Internet and the digital economy are fundamentally changing the worlds of communications, transportation and commerce ..."

"Businesses and governments are looking to move not only communications, but also transactions, to the digital world ..."

"There is still a lack of an adequate level of privacy, confidentiality, dependability and security in digital communications and transactions as desired by citizens, with the potential of involuntary profiling of customers..."

"The Postal Service has maintained its position in physical communications due to its reach and monopoly access; however, new competitors are bypassing this

advantage...”

“But the Postal Service can continue to play a significant role. Some of the gaps cited above divide rather than bind the nation together. Filling those gaps can provide some real opportunities. Over the past 236 years, the Postal Service has provided the secure, universally accessible platform for physical commerce and communications. The Postal Service can extend this intermediary trusted role to the digital realm. It could establish an enabling platform to bridge the digital divide and allow citizens to traverse from the physical to the digital, if they chose or are required to, in this new digital economy.”

38. The second report, (http://www.uspsoidg.gov/foia_files/RARC-WP-11-003.pdf) dated April 19, 2011, made the following observations:

“The Postal Service should consider new products and services that reflect the evolving mandate to ‘bind the nation together’ (emphasis in original) in a new world where people are increasingly communicating digitally. Using a foundation that links a physical address to an electronic mail box for every citizen and business, the Postal Service can build a digital platform that facilitates communications and commerce for postal, governmental, and commercial applications that are available to all.” (39 USC 101-Sec. 101 Postal Policy).”

“Postal Service should develop a foundation of a permanent one-to-one linkage between a physical address and an electronic address available to every citizen and business. The Postal Service would also establish this “eMailbox” to serve as a digital counterpart to the physical mailbox.”

“Tools for identity validation, privacy protection, and transaction security that allow users to verify the individuals and businesses with whom they are communicating and ensure the safety of their personal information and security of their purchases and financial transactions.”

39. Plaintiff has, since introducing the concepts to the USPS in 2007, maintained communication with various high ranking officials within the USPS, who have continued to embrace plaintiff’s concepts and have attempted to bring them to fruition. Staff members of the OIG specifically stated to Plaintiff, before the second “Postal Service Role in the Digital Age” report was issued in April 2011, that Plaintiff would “enjoy” the report because of the degree to which it

reiterates the ideas that Plaintiff first proposed in 2007.

40. Additionally, high-ranking officials within the Postal Regulatory Commission (PRC) have continued to assist Plaintiff in getting his ideas implemented by the USPS.

41. In light of the several postal service officials who have been aware of the concepts that Plaintiff generated and have been attempting for years to get these concepts implemented, it is particularly egregious that certain other postal officials have facilitated the infringement on Plaintiff's intellectual property by Defendant PBI.

42. Again, Plaintiff created these concepts and ideas for the use and benefit of the USPS, and to rescue the USPS from the dire financial straits in which it is mired. The initial responses from defendants show that plaintiff's concepts were novel and that neither defendant had previous similar initiatives.

43. It is not plaintiff's desire to hold the entire USPS, as a whole, liable for the infringement of Defendant PBI, but only those USPS officials who participated in facilitating the said infringement, herein referred to as John Doe.

WHEREFORE, Plaintiff demands judgment against the Defendants, PBI and USPS, consisting of direct and/or consequential damages in an amount in excess of \$150,000, and such other, further direct and/or consequential damages as are known or may become known during discovery or at trial, plus equitable and/or injunctive relief, requiring Defendants to cease and desist all operations of Volly.com, and enjoining Defendants from operating or engaging in any conduct violates or would violate Plaintiff's rights pursuant to US Patent No. 7,707,119 and US Patent Application No. 12/129,755, pursuant to 35 U.S.C. 1, et seq, and pursuant to the Postal Accountability Enhancement Act, plus statutory penalties, plus exemplary relief including treble and punitive damages, attorney's fees and costs, and any further relief deemed appropriate by this Honorable Court.