

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PRAGMATUS TELECOM, LLC,

Plaintiff,

v.

VOLKSWAGEN GROUP OF AMERICA,
INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatius Telecom, LLC (“Pragmatius”) complains and alleges as follows against Defendant Volkswagen Group of America, Inc. (“Volkswagen”):

THE PARTIES

1. Pragmatius is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 601 North King Street, Alexandria, Virginia 22314.

2. Pragmatius is informed and believes that Volkswagen is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction over this action under Title 28 United States Code, §§ 1331 and 1338.

4. Pragmatius is informed and believes that this Court has personal jurisdiction over Volkswagen because Volkswagen is incorporated within this district, and because Volkswagen has committed, and continues to commit, acts of infringement in Delaware. Pragmatius is informed and believes that Volkswagen also maintains a registered agent in Delaware, namely Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

5. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Volkswagen has committed acts of infringement in this district and/or is deemed to reside in this district.

THE PATENTS-IN-SUIT

6. On October 30, 2001, the USPTO duly and legally issued United States Patent No. 6,311,231 (“the ’231 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Customer Contract Channel Changing System Using Voice Over IP.” Pragmatus holds all right, title, and interest in and to the ’231 Patent. A true and correct copy of the ’231 Patent is attached as Exhibit A.

7. On December 23, 2003, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 6,668,286 (“the ’286 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Customer Contact Channel Changing System Over IP.” Pragmatus holds all right, title and interest in and to the ’286 Patent. A true and correct copy of the ’286 Patent is attached as Exhibit B.

8. On January 2, 2007, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,159,043 (“the ’043 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Contact Channel Changing System.” Pragmatus holds all right, title and interest in and to the ’043 Patent. A true and correct copy of the ’043 Patent is attached as Exhibit C.

COUNT I

(INFRINGEMENT OF THE ’231 PATENT)

9. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

10. Volkswagen has and continues to infringe directly one or more claims of the ’231 Patent, including at least by using the system of claim 1 of the ’231 Patent to provide live chat service over the Internet.

11. As a result of Volkswagen’s acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

COUNT II

(INFRINGEMENT OF THE '286 PATENT)

12. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

13. Volkswagen has and continues to infringe directly one or more claims of the '286 Patent, including at least by using the system of claim 9 of the '286 Patent to provide live chat service over the Internet.

14. As a result of Volkswagen's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

COUNT III

(INFRINGEMENT OF THE '043 PATENT)

15. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

16. Volkswagen has and continues to infringe directly one or more claims of the '043 Patent, including at least by using the system of claim 1 of the '043 Patent to provide live chat service over the Internet.

17. As a result of Volkswagen's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Pragmatus respectfully requests the following relief:

a) A judgment that Volkswagen has infringed one or more claims of United States Patent Nos. 6,311,231, 6,668,286, and 7,159,043;

b) A judgment that United States Patent Nos. 6,311,231, 6,668,286, and 7,159,043 are valid and enforceable;

c) Pragmatus be awarded damages adequate to compensate Pragmatus for Volkswagen's infringement of United States Patent Nos. 6,311,231, 6,668,286, and 7,159,043 up until the date such judgment is entered, including prejudgment and post-judgment interest, costs,

and disbursements as justified under 35 U.S.C. § 284 and, if necessary adequately to compensate Pragmatius for Volkswagen's infringement, an accounting;

d) A judgment that Pragmatius be awarded attorneys' fees, costs, and expenses incurred in prosecuting this action; and

e) A judgment that Pragmatius be awarded such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pragmatius hereby demands trial by jury on all claims and issues so triable.

Dated: November 21, 2012

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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