

E-FILING

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18 Attorneys for Defendant
 19 PRAGMATUS TELECOM, LLC

Filed
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 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
830 # 12
87- [Signature]

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

CV 12-06195 JCS
 CASE NO. _____

22 PRAGMATUS TELECOM, LLC,
 23
 24 Plaintiff,
 25
 26 v.
 27
 28 TREND MICRO INCORPORATED,
 Defendant.

**COMPLAINT FOR PATENT
 INFRINGEMENT
 DEMAND FOR JURY TRIAL**

29 Plaintiff Pragmatus Telecom, LLC ("Pragmatus") complains and alleges as follows
 30 against Defendant Trend Micro Incorporated ("Trend Micro"):

THE PARTIES

- 31 1. Pragmatus is a limited liability company organized and existing under the laws of
- 32 the Commonwealth of Virginia with its principal place of business at 601 North King Street,
- 33 Alexandria, Virginia 22314.
- 34 2. Pragmatus is informed and believes that Trend Micro is a corporation organized
- 35 and existing under the laws of the State of California with its principal place of business at 10101
- 36 N. De Anza Boulevard, Cupertino, California 95014.

1 **JURISDICTION AND VENUE**

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

5 4. Pragmatus is informed and believes that this Court has personal jurisdiction over
6 Trend Micro because Trend Micro has its principal place of business in this district and is
7 incorporated within California, and because Trend Micro has committed, and continues to
8 commit, acts of infringement in this district.

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

11 **INTRADISTRICT ASSIGNMENT**

12 6. Pursuant to Local Rule 3-2(c), this case is subject to district-wide assignment
13 because it is an Intellectual Property Action.

14 **THE PATENTS-IN-SUIT**

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

20 8. On December 23, 2003, the USPTO duly and legally issued United States Patent
21 No. 6,668,286 ("the '286 Patent"), entitled "Method and System for Coordinating Data and Voice
22 Communications Via Contact Channel Changing System Over IP." Pragmatus holds all right,
23 title and interest in and to the '286 Patent. A true and correct copy of the '286 Patent is attached
24 as Exhibit B.

25 9. On January 2, 2007, the USPTO duly and legally issued United States Patent No.
26 7,159,043 ("the '043 Patent"), entitled "Method and System for Coordinating Data and Voice
27 Communications Via Customer Contact Channel Changing System." Pragmatus holds all right,
28 title and interest in and to the '043 Patent. A true and correct copy of the '043 Patent is attached

1 as Exhibit C.

2 **COUNT I**

3 **(INFRINGEMENT OF THE '231 PATENT)**

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

6 11. Trend Micro has and continues to infringe directly one or more claims of the '231
7 Patent, including at least by using the system of claim 1 of the '231 Patent to provide live chat
8 service over the Internet.

9 12. As a result of Trend Micro's acts of infringement, Pragmatus has suffered and will
10 continue to suffer damages in an amount to be proved at trial.

11 **COUNT II**

12 **(INFRINGEMENT OF THE '286 PATENT)**

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

15 14. Trend Micro has and continues to infringe directly one or more claims of the '286
16 Patent, including at least by using the system of claim 9 of the '286 Patent to provide live chat
17 service over the Internet.

18 15. As a result of Trend Micro's acts of infringement, Pragmatus has suffered and will
19 continue to suffer damages in an amount to be proved at trial.

20 **COUNT III**

21 **(INFRINGEMENT OF THE '043 PATENT)**

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

24 17. Trend Micro has and continues to infringe directly one or more claims of the '043
25 Patent, including at least by using the system of claim 1 of the '043 Patent to provide live chat
26 service over the Internet.

27 18. As a result of Trend Micro's acts of infringement, Pragmatus has suffered and will
28 continue to suffer damages in an amount to be proved at trial.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Pragmatus respectfully requests the following relief:

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

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

7 c) Pragmatus be awarded damages adequate to compensate Pragmatus for Trend
8 Micro's infringement of United States Patent Nos. 6,311,231, 6,668,286, and 7,159,043 up until
9 the date such judgment is entered, including prejudgment and post-judgment interest, costs, and
10 disbursements as justified under 35 U.S.C. § 284 and, if necessary adequately to compensate
11 Pragmatus for Trend Micro's infringement, an accounting;

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

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

16
17 Dated: December 6, 2012

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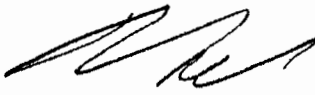
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DEMAND FOR JURY TRIAL

Pragmatus Telecom demands trial by jury for all issues so triable pursuant to Fed. R. Civ. Proc. 38(b) and Civil L.R. 3-6(a).

Dated: December 6, 2012

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By:  _____

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