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CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
~~(Alexandria~~ Division)

PRAGMATUS AV, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

NORFOLK DIVISION

Civil Action No. 2:10CV560
HCM/FBS

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatus AV, LLC, by counsel, files this complaint for patent infringement and states as follows:

The Parties

1. Plaintiff Pragmatus AV, LLC ("Pragmatus") 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. Defendant Facebook, Inc. ("defendant" or "Facebook") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304.

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. This Court

has personal jurisdiction over the defendant because the defendant has committed, and continues to commit, acts of infringement in Virginia, including in this district and division, and/or has engaged in continuous and systematic activities in Virginia. Defendant maintains a registered agent in Virginia through Corporation Service Company, 11 South 12th Street, P.O. Box 1463, Richmond, Virginia 23218-0000.

4. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because defendant has committed acts of infringement in this district and division, including by maintaining multiple data centers containing servers in this district, and/or is deemed to reside in this district.

Patents-in-Suit

5. On September 2, 2008, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 7,421,470 ("the '470 Patent"), entitled "Method for Real-Time Communication Between Plural Users." Pragmatus holds all right, title, and interest in and to the '470 Patent. A true and correct copy of the '470 Patent is attached as Exhibit A.

6. On October 7, 2008, the USPTO duly and legally issued United States Patent No. 7,433,921 ("the '921 Patent"), entitled "System for Real-Time Communication Between Plural Users." Pragmatus holds all right, title, and interest in and to the '921 Patent. A true and correct copy of the '921 Patent is attached as Exhibit B.

COUNT ONE – INFRINGEMENT OF U.S. PATENT NO. 7,421,470

7. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 6 above.

8. Defendant has and continues to infringe directly one or more claims of the '470 Patent by making, using, offering for sale, selling and/or practicing the methods covered by one or more claims of the '470 Patent, including through Facebook Chat.

9. Defendant has and continues to infringe indirectly one or more claims of the '470 Patent by inducing others to infringe and/or contributing to the infringement of others, including users of Facebook Chat.

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

COUNT TWO – INFRINGEMENT OF U.S. PATENT NO. 7,433,921

11. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 6 above.

12. Defendant has and continues to infringe directly one or more claims of the '921 Patent by making, using, offering for sale, selling and/or practicing the systems covered by one or more claims of the '921 Patent, including through Facebook Chat.

13. Defendant has and continues to infringe indirectly one or more claims of the '921 Patent by inducing others to infringe and/or contributing to the infringement of others, including users of Facebook Chat.

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

Demand for Jury Trial

Pragmatus hereby demands a trial by jury on all issues triable by jury.

Prayer for Relief

WHEREFORE, Pragmatus requests a judgment:

A. That defendant has infringed United States Patent Nos. 7,421,470 and 7,433,921;

B. That United States Patent Nos. 7,421,470 and 7,433,921 are valid and enforceable in law;

C. Awarding to Pragmatus its damages caused by defendant's infringement of United States Patent Nos. 7,421,470 and 7,433,921, including an assessment of pre-judgment and post-judgment interest and costs;

D. That this is an exceptional case and awarding Pragmatus its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

E. Awarding Pragmatus such other and further relief as this Court may deem just and proper.

PRAGMATUS AV, LLC
By Counsel

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