IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS TELECOM, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No.
	§	
FORD MOTOR COMPANY	§	
	§	**Jury Trial Demanded**
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

Pragmatus Telecom, LLC ("Pragmatus"), by and through its attorneys, for its Original Complaint against Defendant Ford Motor Company ("Ford Motor"), hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is a patent infringement action to end Defendant's unauthorized and infringing making, use, sale, offering for sale, and/or importation of systems and methods incorporating Plaintiff Pragmatus's patented inventions.

2. Pragmatus is owner of all right, title, and interest in and to: United States Patent No. 6,311,231 (the "'231 Patent"), issued on October 30, 2001, for "Method and System for Coordinating Data and Voice Communications via Customer Contact Channel Changing System Using Voice Over IP"; United States Patent No. 6,668,286 (the "'286 Patent"), issued December 23, 2003, for "Method and System for Coordinating Data and Voice Communications via Customer Contract Channel Changing System Using Voice Over IP"; and United States Patent No. 7,159,043 (the "'043 Patent"), issued January 2, 2007, for "Method and System for Coordinating Data and Voice Communications via Customer Contract Channel Changing System" (collectively, the "Patents"). True and correct copies of the Patents are attached hereto

as Exhibits 1–3.

3. Defendant uses infringing products and provides infringing services in violation of the Patents. Plaintiff Pragmatus seeks injunctive relief to prevent Defendant from continuing infringement of Plaintiff's patent rights. Plaintiff Pragmatus further seeks monetary damages and prejudgment interest for Defendant's past infringement of the Patents.

4. This is an exceptional case, and Pragmatus is entitled to damages, enhanced damages, attorneys' fees, costs, and expenses.

II. THE PARTIES

5. Plaintiff Pragmatus is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 601 North King Street, Alexandria, VA 22314.

6. On information and belief, Ford Motor is a corporation organized and existing under the laws of the State of Delaware, with a place of business located at One American Road Dearborn, Michigan 48126. Ford Motor can be served with process by serving its registered agent for service of process in the State of Delaware, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

III. JURISDICTION AND VENUE

7. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

8. This Court has personal jurisdiction over the Defendant, and venue is proper in this Court pursuant to 28 U.S.C. §§1391(b), (c), and 1400.

IV. PLAINTIFF'S PATENTS

9. The Patents relate to automated call distribution centers. In accordance with aspects of the patents, one or more servers provides network service to a customer, including a remote help option selectable by the customer (e.g., "click to chat"). Upon selection of the remote help option, a help request is sent to a call center identifying a way in which the customer can be reached. The customer can then be contacted and the help request handled correctly and efficiently.

10. Pragmatus owns all substantial rights in and to the Patents, including all rights to recover for all past and future infringements thereof.

VI. DEFENDANT'S ACTS

11. Ford Motor makes, provides, uses, and/or distributes infringing systems. The infringing systems include, for example, Ford Motor's live chat and related customer service communication channels.

12. With knowledge of the Patents, Ford Motor provides related services and instructions for the infringing operation of such systems and methods to its customers.

13. Through its actions, Ford Motor has infringed the Patents and actively and knowingly induced others, including its customers, to infringe and knowingly contributed to the infringement by others of the Patents throughout the United States. Ford Motor has had knowledge of and notice of the Patents and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continues to commit tortious conduct by way of patent infringement. Ford Motor possessed, and continues to possess, the specific intent to encourage others, including its customers, to infringe the '953 patent. Ford Motor has also contributorily infringed and continues to contributorily infringe the Patents by knowingly

making, providing, and/or distributing within the United States infringing systems that constitute a material part of the claimed inventions and are not staple articles of commerce suitable for substantial noninfringing use.

14. Pragmatus has been and will continue to suffer damages as a result of Defendant Ford Motor's infringing acts unless and until enjoined.

COUNT ONE
PATENT INFRINGEMENT—U.S. PATENT NO. 6,311,231

15. Plaintiff Pragmatus realleges and incorporates herein paragraphs 1–14.

16. Defendant has directly infringed the '231 Patent through its own actions and the actions of its agents and those whom it directs and controls.

17. Defendant has indirectly infringed the '231 Patent by inducing the infringement of the '231 Patent and contributing to the infringement of the '231 Patent.

18. Defendant's aforementioned acts have caused damage to Pragmatus and will continue to do so unless and until enjoined.

COUNT TWO
PATENT INFRINGEMENT—U.S. PATENT NO. 6,668,286

19. Plaintiff Pragmatus realleges and incorporates herein paragraphs 1–14.

20. Defendant directly infringed the '286 Patent through its own actions and the actions of its agents and those whom it directs and controls.

21. Defendant has indirectly infringed the '286 Patent by inducing the infringement of the '286 Patent and contributing to the infringement of the '286 Patent.

22. Defendant's aforementioned acts have caused damage to Pragmatus and will continue to do so unless and until enjoined.

COUNT THREE
PATENT INFRINGEMENT—U.S. PATENT NO. 7,159,043

23. Plaintiff Pragmatus realleges and incorporates herein paragraphs 1–14.

24. Defendant has directly infringed the '043 Patent through its own actions and the actions of its agents and those whom it directs and controls.

25. Defendant has indirectly infringed the '043 Patent by inducing the infringement of the '043 Patent and contributing to the infringement of the '043 Patent.

26. Defendant's aforementioned acts have caused damage to Pragmatus and will continue to do so unless and until enjoined.

VII. JURY DEMAND

27. Plaintiff Pragmatus hereby demands a jury on all issues so triable.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Pragmatus respectfully requests that the Court:

A. Enter judgment that Defendant infringes one or more claims of the Patents-in-Suit literally and/or under the doctrine of equivalents;

B. Permanently enjoin Defendant, its agents, servants, and employees, and all those in privity with Defendant or in active concert and participation with Defendant, from engaging in acts of infringement of the Patents;

C. Award Plaintiff Pragmatus past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by Defendant of the Patents in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;

D. Declare this case exceptional pursuant to 35 U.S.C. §285; and

E. Award Plaintiff Pragmatus its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Dated: January 27, 2012

FARNAN LLP

/s/ Brian E. Farnan

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