IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LIVEPERSON, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: _____
	)	
PRAGMATUS TELECOM, LLC.,	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	
	)	
	)	

COMPLAINT FOR DECLARATORY JUDGMENT

LivePerson, Inc. ("LivePerson"), for the Complaint for Declaratory Judgment against Pragmatus Telecom, LLC ("Pragmatus"), states:

JURISDICTION AND VENUE

1. This action arises under the patent laws of the United States, Title 35, United States Code.

2. Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Pragmatus because Pragmatus is a corporation organized and existing under the laws of the State of Delaware.

4. Venue over this action is proper pursuant to the provisions of 28 U.S.C. §§ 1391(b), 1391(c) and 1400.

5. LivePerson seeks a declaratory judgment under the provisions of 28 U.S.C. § 2201.

PARTIES

6. LivePerson is a leading provider of online intelligent engagement products. LivePerson is a publicly traded Delaware Corporation with its corporate headquarters and principal place of business is at 462 7th Avenue, 3rd Floor, New York, NY 10018-7832.

7. On information and belief, 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.

PATENTS-IN-SUIT

8. Pragmatus is the alleged owner of U.S. Patent Nos. 6,311,231 (the "'231 patent"), 6,668,286 (the "'286 patent"), and 7,159,043 (the "'043 patent"), attached as Exhibits A, B, and C, respectively (collectively, the "Pragmatus Patents"). The Pragmatus Patents relate generally to coordinating data and voice communications.

RELATED FACTS IN SUPPORT OF DECLARATORY JUDGMENT JURISDICTION

9. On or about November 15, 2011, Pragmatus filed a complaint in the Eastern District of Texas asserting infringement of the '231, '286, and '043 patents by a number of LivePerson's customers based on their use of "LivePerson software." This case is docketed as *Pragmatus Telecom, LLC v. The Neiman-Marcus Group, Inc., et al.*, Case No. 6:11-cv-620-LED.

10. On or about January 27, 2012, Pragmatus filed a number of additional lawsuits in the District of Delaware asserting infringement of the '231, '286, and '043 patents by additional defendants, including LivePerson's customers Advanced Auto Parts, Inc., Ford Motor Company, Scottrade Financial Services, Inc., and The Estee Lauder Companies, Inc., based on each customer's "live chat and related customer service communication channels."

11. Based on the foregoing facts, a justiciable controversy has arisen and exists between LivePerson and Pragmatus concerning infringement of the Pragmatus Patents by LivePerson's products.

COUNT I

DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '231 PATENT

12. LivePerson incorporates by reference herein all allegations set forth in ¶¶ 1- 11 of this Complaint.

13. LivePerson's products do not infringe any valid claim of the '231 patent.

COUNT II

DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '286 PATENT

14. LivePerson incorporates by reference herein all allegations set forth in ¶¶ 1 - 13 of this Complaint.

15. LivePerson's products do not infringe any valid claim of the '286 patent.

COUNT III

DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '043 PATENT

16. LivePerson incorporates by reference herein all allegations set forth in ¶¶ 1 - 15 of this Complaint.

17. LivePerson's products do not infringe any valid claim of the '043 patent.

WHEREFORE, LivePerson requests the following relief in conjunction with the allegations set forth above in this Complaint:

A. Entry of an Order of this Court declaring that LivePerson's products do not infringe any of the Pragmatus Patents, and that LivePerson, by its actions neither infringes, induces nor contributes to the infringement of the patent by others;

B. Entry of an Order enjoining Pragmatus, its agents, servants, officers, directors, employees, attorneys, privies, representatives, successors, assigns, and parent and subsidiary entities, and any and all persons in act of concert or participation with any of them, from threatening to assert or asserting any of the Pragmatus Patents against LivePerson, its agents, employees, or customers;

C. Entry of an Order of this Court assessing all costs associated with this action to LivePerson, Inc.;

D. Entry of an Order of this Court declaring this case exceptional and awarding LivePerson reasonable attorney fees; and

E. All other relief, both interim and permanent, as is just and proper.

DEMAND FOR JURY TRIAL

LivePerson hereby makes a demand for a trial by jury as to all issues in this lawsuit so triable.

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/s/ Melanie K. Sharp

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Dated: February 7, 2012

*Motions for admission *pro hac vice* forthcoming