

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

PRAGMATUS AV, LLC,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatius AV, LLC (“Pragmatius”) complains and alleges as follows against Defendant Yahoo! Inc. (“Yahoo!”):

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 Yahoo! is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 701 First Avenue, Sunnyvale, California 94089.

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 Yahoo! because Yahoo! is incorporated within this district, and because Yahoo! has committed, and continues to commit, acts of infringement in Delaware.

Pragmatus is informed and believes that Yahoo! also maintains a registered agent in Delaware, namely The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

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

THE PATENTS-IN-SUIT

6. On May 22, 2001, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 6,237,025 (“the ’025 Patent”), entitled “Multimedia Collaboration System.” Pragmatus holds all right, title and interest in and to the ’025 Patent. A true and correct copy of the ’025 Patent is attached as Exhibit A.

7. On February 26, 2002, the USPTO duly and legally issued United States Patent No. 6,351,762 (“the ’762 Patent”), entitled “Method And System For Log-in-Based Video And Multimedia Calls.” Pragmatus holds all right, title, and interest in and to the ’762 Patent. A true and correct copy of the ’762 Patent is attached as Exhibit B.

8. On December 29, 1998, the USPTO duly and legally issued United States Patent No. 5,854,893 (“the ’893 Patent”), entitled “System For Teleconferencing In Which Collaboration Types And Participants By Names Or Icons Are Selected By A Participant Of The Teleconference.” Pragmatus holds all right, title, and interest in and to the ’893 Patent. A true and correct copy of the ’893 Patent is attached as Exhibit C.

9. On February 27, 2007, the USPTO duly and legally issued United States Patent No. 7,185,054 (“the ’054 Patent”), entitled “Participant Display And Selection In Video Conference Calls.” Pragmatus holds all right, title, and interest in and to the ’054 Patent. A true and correct copy of the ’054 Patent is attached as Exhibit D.

10. On April 20, 1999, the USPTO duly and legally issued United States Patent No. 5,896,500 (“the ’500 Patent”), entitled “System For Call Request Which Results In First And Second Call Handle Defining Call State Consisting Of Active Or

Hold For Its Respective AV Device.” Pragmatius holds all right, title, and interest in and to the '500 Patent. A true and correct copy of the '500 Patent is attached as Exhibit E.

COUNT I

(INFRINGEMENT OF THE '025 PATENT)

11. Pragmatius incorporates by reference herein the averments set forth in paragraphs 1 through 10 above.

12. Yahoo! has and continues to infringe directly one or more claims of the '025 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 11 of the '025 Patent, at least by providing Yahoo! Messenger.

13. Yahoo! has and continues to infringe indirectly one or more claims of the '025 Patent by inducing others to infringe and/or contributing to the infringement by others of at least claim 11 of the '025 Patent, including at least users of Yahoo! Messenger. Pragmatius has provided Yahoo! written notice of its infringement, and Yahoo! also has written notice of its infringement by virtue of the filing and service of this Complaint.

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

COUNT II

(INFRINGEMENT OF THE '762 PATENT)

15. Pragmatius incorporates by reference herein the averments set forth in paragraphs 1 through 10 above.

16. Yahoo! has and continues to infringe directly one or more claims of the '762 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 11 of the '762 Patent, at least by providing Yahoo! Messenger.

17. Yahoo! has and continues to infringe indirectly one or more claims of the '762 Patent by inducing others to infringe and/or contributing to the infringement by others of at least claim 11 of the '762 Patent, including at least users of Yahoo!

Messenger. Pragmatus has provided Yahoo! written notice of its infringement, and Yahoo! also has written notice of its infringement by virtue of the filing and service of this Complaint.

18. As a result of Yahoo!'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 '893 PATENT)

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

20. Yahoo! has and continues to infringe directly one or more claims of the '893 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 13 of the '893 Patent, including at least by providing Yahoo! Messenger.

21. Yahoo! has and continues to infringe indirectly one or more claims of the '893 Patent by inducing others to infringe and/or contributing to the infringement by others of at least claim 13 of the '893 Patent, including at least users of Yahoo! Messenger. Pragmatus has provided Yahoo! written notice of its infringement, and Yahoo! also has written notice of its infringement by virtue of the filing and service of this Complaint.

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

COUNT IV

(INFRINGEMENT OF THE '054 PATENT)

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

24. Yahoo! has and continues to infringe directly one or more claims of the '054 Patent by making, using, offering for sale, selling and/or practicing the inventions

covered by at least claim 10 of the '054 Patent, including at least by providing Yahoo! Messenger.

25. Yahoo! has and continues to infringe indirectly one or more claims of the '054 Patent by inducing others to infringe and/or contributing to the infringement by others of at least claim 10 of the '054 Patent, including at least users of Yahoo! Messenger. Pragmatus has provided Yahoo! written notice of its infringement, and Yahoo! also has written notice of its infringement by virtue of the filing and service of this Complaint.

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

COUNT V

(INFRINGEMENT OF THE '500 PATENT)

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

28. Yahoo! has and continues to infringe directly one or more claims of the '500 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 11 of the '500 Patent, including at least by providing Yahoo! Messenger.

29. Yahoo! has and continues to infringe indirectly one or more claims of the '500 Patent by inducing others to infringe and/or contributing to the infringement by others of at least claim 11 of the '500 Patent, including at least users of Yahoo! Messenger. Pragmatus has provided Yahoo! written notice of its infringement, and Yahoo! also has written notice of its infringement by virtue of the filing and service of this Complaint.

30. As a result of Yahoo!'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 Yahoo! has infringed one or more claims of United States Patent Nos. 6,237,025, 6,351,762, 5,854,893, 7,185,054 and 5,896,500;

b) A judgment that United States Patent Nos. 6,237,025, 6,351,762, 5,854,893, 7,185,054 and 5,896,500 are valid and enforceable;

c) Pragmatus be awarded damages adequate to compensate Pragmatus for Yahoo!'s infringement of United States Patent Nos. 6,237,025, 6,351,762, 5,854,893, 7,185,054 and 5,896,500 up until the date such judgment is entered, including pre-judgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Pragmatus for Yahoo!'s infringement, an accounting;

d) A judgment that Pragmatus be awarded attorney fees, costs, and expenses incurred in prosecuting this action;

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

f) A judgment permanently enjoining Yahoo! from further infringement of each of United States Patent Nos. 6,237,025, 6,351,762, 5,854,893, 7,185,054 and 5,896,500.

DEMAND FOR JURY TRIAL

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

Dated: October 4, 2011

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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