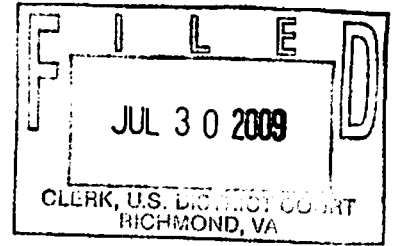


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)



TELECOMMUNICATION SYSTEMS, )  
INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SYBASE 365, INC. )  
f/k/a MOBILE 365, INC. )  
 )  
Defendant. )

Civil Action No. 3:09CV487

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, TeleCommunication Systems, Inc. ("TCS"), complains of defendant, Sybase 365, Inc. (formerly known as Mobile 365, Inc.) ("Sybase 365") as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement for the manufacture, sale and use of inventions disclosed and claimed in a United States Patent. The claim arises under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

**PARTIES AND PATENTS**

2. TCS is a Maryland corporation with a principal place of business at 275 West Street, Annapolis, Maryland 21401. TCS is a publicly traded technology company (NASDAQ: TSYS), and a leading provider of mission-critical wireless data solutions to carriers, enterprise and government customers (including those residing in this judicial district). TCS' wireless data offerings include location-based Enhanced 9-1-1 services and messaging and location service infrastructure for wireless operators, real-time market data and alerts for financial institutions,

mobile asset management and mobile office solutions for enterprises, and encrypted satellite communications for government customers. As a small technology company, TCS depends on innovation, and the protections of the patent system, to succeed in the marketplace.

3. TCS owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 7,430,425, entitled "Inter-Carrier Digital Message With User Data Payload Service Providing Phone Number Only Experience" ("the '425 patent").

4. Defendant Sybase 365 is a Delaware corporation, with its principal place of business in this judicial district at 4511 Singer Court, Suite 300, Chantilly, Virginia 20152. Sybase 365 has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing the products and services accused of infringement in this judicial district.

5. This Court has personal jurisdiction over Sybase 365 by virtue of its tortious acts of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district and by virtue of Sybase 365's physical presence in, and transaction of business in, the Commonwealth of Virginia.

6. Venue is proper in this judicial district under 28 U.S.C. § 1391(c)-(d) and 28 U.S.C. § 1400(b) because Sybase 365 has its principal place of business in, and has committed acts of infringement in, this judicial district.

7. In a prior related lawsuit (Civil Action No. 3:06-CV-485 (JRS)) which was brought against Sybase 365 (then known as Mobile 365) on United States Patent No. 6,985,748 (the "'748 patent"), a final judgment was entered on March 31, 2009 finding the '748 patent valid and infringed and awarding \$12 million in damages. This case involves a related patent that issues from the same initial patent application as the '748 patent as well as the same

equipment and systems at issue in the earlier case.

### **ACTS OF PATENT INFRINGEMENT**

8. Sybase 365 has infringed one or more claims of the '425 patent through, among other activities, the manufacture, use, importation, sale and/or offer for sale of products, services and technology permitting the routing of inter-carrier messages which senders address to recipients using a recipient's telephone number, including those products, services and technology known or referred to as Sybase-Mobile 365 SMS Exchange 1.0, SMS Exchange 1.01 and/or any related or up-dated inter-carrier messaging systems that fall within the scope of one or more of the claims of the '425 patent.

9. Sybase 365 has also knowingly and intentionally induced others to infringe (such as its customers, users and business partners in this judicial district and throughout the United States) by intentionally aiding, assisting and encouraging their infringement. Sybase 365 has also knowingly contributed to infringement by others, such as its customers, within the meaning of 35 U.S.C. § 271(c).

10. Sybase 365's infringement has injured TCS and TCS is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

11. TCS has complied with all applicable provisions of 35 U.S.C. § 287 regarding marking and notice.

12. Sybase 365 has committed acts of infringement with full knowledge of the '425 patent and its applicability to its business and without having taken adequate and necessary steps to avoid infringement of the '425 patent. Even after becoming aware of the '425 patent and its applicability to Sybase 365's business, Sybase 365 has not taken necessary steps to avoid

infringement. Instead, Sybase 365 has continued to infringe the '425 patent in an objectively reckless manner, with complete disregard of TCS's rights in those patents, in violation of 35 U.S.C. § 284.

13. Sybase 365's infringement has injured and will continue to injure TCS, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, importation, offers for sale and/or sale of Sybase 365's infringing products, services and/or technologies that fall within the scope of the claims of the '425 patent.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, TCS, asks this Court to enter judgment against Sybase 365, and against its respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate TCS for the infringement that has occurred, together with prejudgment interest from the date infringement of the patent began;

B. An award to TCS of all remedies available under 35 U.S.C. § 284;

C. An award to TCS of all remedies available under 35 U.S.C. § 285;


D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '425 patent; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

### **JURY DEMAND**

TCS demands a trial by jury on all issues so triable.

TeleCommunication Systems, Inc.



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