

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

PRAGMATUS TELECOM, LLC,

Plaintiff,

v.

RHEEM MANUFACTURING COMPANY,

Defendant.

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Pragmatius Telecom, LLC (“Pragmatius”) complains and alleges as follows against Defendant Rheem Manufacturing Company (“Rheem”):

**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 Rheem is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1100 Abernathy Road, Suite 1400, Atlanta, Georgia 30328.

**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 Rheem because Rheem is a corporation incorporated under the laws of the State of Delaware and has committed, and continues to commit, acts of infringement in Delaware.

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

### **THE PATENTS-IN-SUIT**

6. On October 30, 2001, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 6,311,231 (“the ’231 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Customer Contract Channel Changing System Using Voice Over IP.” Pragmatus holds all right, title, and interest in and to the ’231 Patent. A true and correct copy of the ’231 Patent is attached as Exhibit A.

7. On December 23, 2003, the USPTO duly and legally issued United States Patent No. 6,668,286 (“the ’286 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Customer Contact Channel Changing System Over IP.” Pragmatus holds all right, title and interest in and to the ’286 Patent. A true and correct copy of the ’286 Patent is attached as Exhibit B.

8. On January 2, 2007, the USPTO duly and legally issued United States Patent No. 7,159,043 (“the ’043 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Contact Channel Changing System.” Pragmatus holds all right, title and interest in and to the ’043 Patent. A true and correct copy of the ’043 Patent is attached as Exhibit C.

9. On May 7, 2013, the USPTO duly and legally issued United States Patent No. 8,438,314 (“the ’314 Patent”), entitled “Method and System for Coordinating Data and Voice Communications Via Customer Contact Channel Changing System.” Pragmatus holds all right, title and interest in and to the ’314 Patent. A true and correct copy of the ’043 Patent is attached as Exhibit D.

**COUNT I**

**(INFRINGEMENT OF THE '231 PATENT)**

9. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

10. Rheem has and continues to infringe directly one or more claims of the '231 Patent, including at least by using the system of claim 9 of the '231 Patent to provide live chat service over the Internet.

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

**COUNT II**

**(INFRINGEMENT OF THE '286 PATENT)**

12. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

13. Rheem has and continues to infringe directly one or more claims of the '286 Patent, including at least by using the system of claim 9 of the '286 Patent to provide live chat service over the Internet.

14. As a result of Rheem'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 '043 PATENT)**

15. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

16. Rheem has and continues to infringe directly one or more claims of the '043 Patent, including at least by using the system of claim 1 of the '043 Patent to provide live chat service over the Internet.

17. As a result of Rheem'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 '341 PATENT)**

15. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

16. Rheem has and continues to infringe directly one or more claims of the '341 Patent, including at least by using the system of claim 1 of the '341 Patent to provide live chat service over the Internet.

17. As a result of Rheem'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 Rheem has infringed one or more claims of United States Patent Nos. 6,311,231, 6,668,286, 7,159,043, and 8,438,314;

b) A judgment that United States Patent Nos. 6,311,231, 6,668,286, 7,159,043, and 8,438,314 are valid and enforceable;

c) Pragmatus be awarded damages adequate to compensate Pragmatus for Rheem's infringement of United States Patent Nos. 6,311,231, 6,668,286, 7,159,043, and 8,438,314 up until the date such judgment is entered, including prejudgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary adequately to compensate Pragmatus for Rheem's infringement, an accounting;

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

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

**DEMAND FOR JURY TRIAL**

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

Dated: February 6 , 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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