

28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

5. This Court has personal jurisdiction over Defendant because, upon information and belief, Defendant has done business in Delaware. On information and belief, Defendant has committed and/or participated in the commission of patent infringement in Delaware and elsewhere in the United States, and has harmed and continues to harm YYZ in Delaware.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

The Patents-in-Suit

7. On June 13, 2006, the '749 Patent, titled "Measuring, Monitoring and Tracking Enterprise Communications and Processes," was duly and legally issued by the United States Patent and Trademark Office ("US PTO").

8. On January 10, 2013, the US PTO issued a reexamination certificate for the '749 Patent and confirmed original claims 1-58 of the '749 Patent.

9. YYZ is the assignee of all rights, title, and interest in the '749 Patent, and possesses all rights to sue and recover for any current or past infringement of the '749 Patent.

10. On October 13, 2009, the '674 Patent, titled "Apparatus And System For Measuring, Monitoring, Tracking and Simulating Enterprise Communications and Processes," was duly and legally issued by the US PTO.

11. On January 24, 2013, the US PTO issued a reexamination certificate for the '749 Patent and confirmed original claims 1-173 of the '674 Patent.

12. YYZ is the assignee of all rights, title, and interest in the '674 Patent, and possesses all rights to sue and recover for any current or past infringement of the '674 Patent.

13. The '749 and '674 Patents claim apparatuses and methods for measuring, monitoring, and tracking enterprise communications and processes in an asynchronous messaging environment.

Count I

Infringement of U.S. Patent No. 7,062,749

14. Paragraphs 1-13 are incorporated by reference as if fully restated herein.

15. Defendant has directly infringed, and continues to directly infringe, the '749 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by making, using, offering for sale, and/or selling products that contain or incorporate business process or business activity monitoring, measuring, or tracking functionalities as claimed in the '749 Patent (“’749 Infringing Products”), including at least the Pegasystems SmartBPM Suite with PegaRules Process Commander, Federated Business Framework, and/or Business Intelligence Exchange.

16. YYZ has been and continues to be damaged by Defendant’s infringement of the '749 Patent.

Count II

Infringement of U.S. Patent No. 7,603,674

17. Paragraphs 1-16 are incorporated by reference as if fully restated herein.

18. Defendant has infringed, and continues to infringe, the '674 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by making, using, offering for sale, and/or selling products that contain or incorporate business process or business activity monitoring, measuring, or tracking functionalities as claimed in the '674 Patent (“’674 Infringing Products”), including at least the Pegasystems SmartBPM Suite with PegaRules Process Commander, Federated Business Framework, and/or Business Intelligence Exchange.

19. YYZ has been and continues to be damaged by Defendant’s infringement of the '674 Patent.

Prayer for Relief

Wherefore, Plaintiff YYZ respectfully requests that this Court enter judgment against Defendant Pegasystems as follows:

- a) adjudging that the Defendant has infringed, literally or under the doctrine of equivalents,

U.S. Patent Nos. 7,062,749 and 7,603,674;

- b) awarding YYZ the damages to which it is entitled under 35 U.S.C. § 284 for Defendant's past infringement and any continuing or future infringement up until the date Defendant is finally and permanently enjoined from further infringement, and ordering a full accounting of same;
- c) awarding YYZ pre-judgment and post-judgment interest on its damages; and
- d) awarding YYZ such other and further relief in law or equity that the Court deems just and proper.

Demand for Jury Trial

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

Dated: April 11, 2013

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