

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC.

PLAINTIFF,

V.

EMC CORPORATION,

DEFENDANT.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff, Bright Response, LLC (“Bright Response”), makes the following allegations against defendant, EMC Corporation (“EMC”).

PARTIES

1. Plaintiff Bright Response is a Texas limited liability company having a principal place of business at 207C North Washington Ave., Marshall, TX 75670.
2. On information and belief, Defendant EMC is a Massachusetts corporation with a place of business at 176 South St., Hopkinton, MA 01748.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, EMC has transacted business in this district, and has committed and/or

induced acts of patent infringement in this district.

5. On information and belief, EMC is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,278,996

6. Bright Response is the sole owner by assignment of the entire right, title, and interest in United States Patent No. 6,278,996 (the "'996 patent") entitled "System and Method for Message Process and Response." The '996 patent issued on August 21, 2001. A true and correct copy of the '996 patent is included as Exhibit A.

7. Upon information and belief, EMC has been and now is directly infringing, both literally and/or under the doctrine of equivalents, the claims of the '996 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling one or more message understanding and response systems that recognize and answer messages based on the message writer's intent in unconstrained natural language text messages covered by one or more claims of the '996 patent ("Accused EMC Products"). By making, using, importing, offering for sale, and/or selling the Accused EMC Products, for example the EMC Content Intelligence Services & Integration with EMC Documentum, that are covered by one or more claims of the '996 patent, EMC has injured Bright Response and is thus liable to Bright Response for infringement of the '996 patent pursuant to 35 U.S.C. §271.

8. As a result of EMC's unlawful infringement of the '996 patent, Bright Response has suffered and will continue to suffer damage. Bright Response is entitled to recover from EMC the damages adequate to compensate for such infringement, which have yet to be determined.

9. EMC's acts of infringement have caused and will continue to cause irreparable harm to Bright Response unless and until enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Bright Response prays for a Judgment from this Honorable Court in favor of Bright Response and against EMC as follows::

1. That the '996 patent is valid and enforceable;
2. That EMC has directly infringed the '996 patent;
3. An order requiring EMC to pay Bright Response its damages, costs, expenses, and pre-judgment and post-judgment interest for EMC's infringement of the '996 patent as provided under 35 U.S.C. § 284;
4. An order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Bright Response its reasonable attorneys' fees; and
5. Any and all other relief to which Bright Response may show itself to be entitled.

DEMAND FOR JURY TRIAL

Bright Response, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

Bright Response, LLC

Dated: May 8, 2012

By: /s/ Andrew W. Spangler
Andrew W. Spangler

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