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

ACCESSDATA CORPORATION, a Utah
corporation,

Plaintiff,

v.

ALSTE TECHNOLOGIES GmbH, a
German limited liability company,

Defendant.

Case No. 2:08-cv-569-BCW

**AMENDED COMPLAINT FOR
BREACH OF CONTRACT**

(Jury Trial Demanded)

Magistrate Judge Brooke C. Wells

Plaintiff AccessData Corporation (“AccessData”), for its complaint against defendant ALSTE Technologies GmbH (“ALSTE”) in the above-captioned action (the “Action”), alleges as follows:

The Parties

1. AccessData is a corporation organized and existing under the laws of the State of Utah, with its principal place of business in Lindon, Utah.

2. ALSTE is a limited liability company organized and existing under the laws of Germany, with its principal place of business in Grossostheim, Bavaria, Germany.

Jurisdiction and Venue

3. AccessData and ALSTE are of diverse citizenship.

4. The amount in controversy in this Action, exclusive of interest, fees, and other costs, exceeds \$75,000.

5. This Court has jurisdiction over the subject matter of this Action pursuant to 28 U.S.C. § 1332.

6. With respect to the subject matter of this Action, this Court has jurisdiction over ALSTE pursuant to Utah Code Ann. §§ 78B-3-201(3) and/or 78B-3-205(1).

7. With respect to the subject matter of this Action, ALSTE has, by contract, consented to this Court's exercise of jurisdiction over it.

8. This Action is properly venued in this District pursuant to 28 U.S.C. §§ 1391(a)(2) or (3).

9. ALSTE has, by contract, agreed to have this Action venued in this District.

Background

10. On May 7, 2005, AccessData and ALSTE executed and entered into a written contract titled "AccessData Reseller Agreement" (the "Reseller Agreement"), truly and correctly reproduced as Exhibit "A" hereto.

11. The initial term of the Reseller Agreement ran to December 31, 2005.

12. The Reseller Agreement was renewed for successive one-year terms on December 31, 2005, December 31, 2006, and December 31, 2007.

13. The Reseller Agreement has never been terminated.

14. The Reseller Agreement remains in force.

Claim for Relief

Breach of Reseller Agreement

15. By this reference, AccessData incorporates as if fully set forth herein each of the foregoing allegations.

16. AccessData has performed its obligations under the Reseller Agreement.

17. As of July 15, 2008, at least \$79,804 (USD) was due and payable by ALSTE to AccessData under the Reseller Agreement; but as of the date hereof, ALSTE has failed and refused to make payment thereof to AccessData.

18. ALSTE's failure to pay to AccessData amounts due under the Reseller Agreement constitutes a breach of the Reseller Agreement.

19. By reason of the foregoing, AccessData is entitled to damages in an amount to be proven at trial, but in no event less than \$79,804 (USD), together with prejudgment interest thereon, attorney's fees, and other costs of suit.

Prayer for Relief

WHEREFORE, AccessData prays that the Court:

- A. Enter judgment in favor of AccessData and against ALSTE in an amount to be proven at trial, but in no event less than the principal sum of \$79,804 (USD);
- B. Award to AccessData prejudgment interest against ALSTE at the highest rate permitted by law running from dates to be proven at trial, but in no event later than July 15, 2008;

- C. Award to AccessData its attorney's fees;
- D. Award to AccessData its other costs of suit; and
- E. Award to AccessData such other and further relief as is just and proper.

Jury Demand

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, AccessData hereby demands trial by jury of all claims and issues so triable.

Dated: January 5, 2009

Sterling A. Brennan
L. Rex Sears
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By /s/ L. Rex Sears
L. Rex Sears
Attorneys for Plaintiff ACCESSDATA CORPORATION