

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

LBS INNOVATIONS LLC,

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Plaintiff,

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v.

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Civil Action No. _____

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AARON BROTHERS, INC.;
ACADEMY LTD.

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Jury Trial Demanded

DBA ACADEMY SPORTS + OUTDOORS;
ADAMS GOLF INC.;
ADAMS GOLF, LTD.;
COMERICA INCORPORATED;
COMPUSA.COM INC.;
CONN’S, INC.;
FOSSIL INC.;
GAMESTOP CORP.

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DBA GAMESTOP CORP. OF DELAWARE;
HOMESTYLE DINING LLC;
HOTELS.COM, L.P.;
PIER 1 IMPORTS, INC.;
RUG DOCTOR, INC.;
STAGE STORES INC.;
TIGERDIRECT, INC; AND
WHOLE FOODS MARKET, INC.,

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Defendants.

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PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff LBS Innovations, LLC files this Complaint against Aaron Brothers, Inc.; Academy, Ltd. dba Academy Sports + Outdoors; Adams Golf Inc.; Adams Golf, Ltd.; Comerica Incorporated; CompUSA.com Inc.; Conn’s, Inc.; Fossil Inc.; GameStop Corp. dba GameStop Corp. of Delaware; Homestyle Dining LLC; Hotels.com, L.P.; Pier 1 Imports, Inc.; Rug Doctor, Inc.; Stage Stores Inc.; TigerDirect, Inc., and Whole Foods Market, Inc. (collectively the “Defendants”) and alleges as follows.

PARTIES

1. Plaintiff LBS Innovations LLC (“LBSI”) is a New Jersey Limited Liability Company with its principal place of business at 53 Ramapo Mountain Drive, Wanaque, New Jersey 07465.

2. Upon information and belief, Defendant Aaron Brothers, Inc. (“Aaron Brothers”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 8000 Bent Branch Drive, Irving, Texas 75063-6023. Aaron Brothers may be served with process through its registered agent Corporation Service Company dba CSC-Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

3. Upon information and belief, Defendant Academy Ltd. dba Academy Sports + Outdoors (“Academy Sports”) is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 1800 N. Mason Road, Katy, Texas 77449. Academy Sports may be served with process through its registered agent Arthur Gochman, 603 E. Ben White, Austin, Texas 78704.

4. Upon information and belief, Defendant Adams Golf Inc. is a corporation organized and existing under the laws of the State of Delaware, and Defendant Adams Golf, Ltd. is a corporation organized and existing under the laws of the State of Texas. These Defendants are collectively referred to herein as “Adams Golf.” Each of the Adams Golf entities has its principal place of business located at 2801 E. Plano Parkway, Plano, Texas 75074-7418. Adams Golf, Inc. may be served with process through its registered agent Corporation Trust Co., 1209 Orange St., Wilmington, Delaware 19801. Adams Golf, Ltd. may be served with process through its registered agent Capital Corporate Services Inc., 1212 Guadalupe, Suite 102, Austin, Texas 78701.

5. Upon information and belief, Defendant Comerica Incorporated (“Comerica”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1717 Main Street, Dallas, Texas 75201. Comerica may be served with process through its registered agent CT Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201.

6. Upon information and belief, Defendant CompUSA.com Inc. (“CompUSA”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 14951 Dallas Parkway, Dallas, Texas 75240-7892. CompUSA may be served with process through its registered agent Corporation Service Company, 800 Brazos Street, Suite 750, Austin, Texas 78701-2554.

7. Upon information and belief, Defendant Conn’s, Inc. (“Conn’s”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3295 College Station, Beaumont, Texas 77701-4611. Conn’s does not maintain a registered agent for service of process in the State of Texas and can be served with process through its CEO/President, Timothy L. Frank at 3295 College Station, Beaumont, Texas 77701-4611.

8. Upon information and belief, Defendant Fossil Inc. (“Fossil”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 2280 North Greenville Ave., Richardson, Texas 75082. Fossil may be served with process through its registered agent Tom Kartsotis at 11052 Grader, Dallas, Texas 75238.

9. Upon information and belief, Defendant GameStop Corp. dba GameStop Corp. of Delaware (“GameStop”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 625 Westport Parkway, Grapevine,

Texas 76051-6740. GameStop may be served with process through its registered agent CT Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201.

10. Upon information and belief, Defendant Homestyle Dining LLC (“Homestyle Dining”) is a limited liability corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3701 W. Plano Parkway, Suite 200, Plano, Texas 75075. Homestyle Dining may be served with process through its registered agent Corporation Service Company dba CSC-Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

11. Upon information and belief, Defendant Hotels.com, L.P. (“Hotels.com”) is a limited partnership organized and existing under the laws of the State of Texas, with its principal place of business located at 10440 North Central Expressway, Suite 400, Dallas, Texas 75231. Hotels.com may be served with process through its registered agent National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, Texas 77062.

12. Upon information and belief, Defendant Pier 1 Imports, Inc. (“Pier 1”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 100 Pier 1 Place, Fort Worth, Texas 76102-2600. Pier 1 may be served with process through its registered agent Corporation Service Company dba CSC-Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

13. Upon information and belief, Defendant Rug Doctor, Inc. (“Rug Doctor”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 4701 Old Shepard Place, Plano, Texas 75093-5298. Rug Doctor may be served with process through its registered agent National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, Texas 77062.

14. Upon information and belief, Defendant Stage Stores Inc. (“Stage Stores”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 10201 S. Main Street, Houston, Texas 77025-5229. Stage Stores may be served with process through its registered agent CT Corporation System, 811 Dallas Avenue, Houston, Texas 77002.

15. On information and belief, Defendant TigerDirect, Inc. (“TigerDirect”), is a corporation organized and existing under the laws of the State of Florida with its principal place of business located at 7795 West Flagler St., Suite 35, Miami, Florida 33144. Tiger Direct may be served with process through its registered agent The Prentice-Hall Corporation System, Inc., 1201 Hays St., Tallahassee, Florida 32301.

16. Upon information and belief, Defendant Whole Foods Market, Inc. (“Whole Foods”) is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 550 Bowie Street, Austin, Texas 78703-4694. Whole Foods may be served with process through its registered agent CT Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201.

JURISDICTION AND VENUE

17. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

18. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

19. Upon information and belief, each of the Defendants is subject to this Court’s general and/or specific personal jurisdiction because it (a) is a resident of the State of Texas; and/or (b) has designated an agent for service of process in the State of Texas; and/or (c) has

committed acts of infringement in the State of Texas as alleged below; and/or (d) is engaged in continuous and systematic activities in the State of Texas. Therefore, this Court has personal jurisdiction over each of the Defendants under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

20. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has a regular and established place of business in this district, and/or has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

21. On July 18, 2000, the United States Patent and Trademark Office issued United States Patent No. 6,091,956 (the “’956 patent”) entitled “Situation Information System,” a true copy of which is attached as Exhibit A.

22. LBSI is the owner by assignment of the ‘956 patent and owns all right, title and interest in the ‘956 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘956 patent.

CLAIM 1 -- INFRINGEMENT OF U.S. PATENT NO. 6,091,956

23. Defendant Aaron Brothers has been and now is directly infringing one or more claims of the ‘956 patent, including claim 11, in violation of 35 U.S.C. § 271, by making and/or using in the United States the computer implemented website www.aaronbrothers.com, which has a store or dealer location interface at http://www.aaronbrothers.com/store_locator.

24. Defendant Academy Sports has been and now is directly infringing one or more claims of the ‘956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.academy.com, which has a

store or dealer location interface at

<http://www.academy.com/index.php?page=content&target=company/locator/map&lnkSRC=Header>

[der](#). In addition and/or in the alternative, upon information and belief, Academy Sports, with knowledge of the '956 patent, has been and/or now is inducing and/or contributing to the infringement of one or more claims of the '956 patent, including claim 11, by users of this website and store or dealer location interface, and is continuing to engage in such indirect infringement in violation of 35 U.S.C. § 271.

25. Defendant Adams Golf has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making and/or using in the United States the computer implemented website www.adamsgolf.com, which has a store or dealer location interface at <http://www.adamsgolf.com/retail/index.php>.

26. Defendant Comerica has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making and/or using in the United States the computer implemented website www.comerica.com, which has a store or dealer location interface at http://campaign.comerica.com/local?utm_source=comerica-com&ct=1.

27. Defendant CompUSA has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.compusa.com, which has store location interfaces at <http://www.blipstar.com/blipstarplus/viewer/blipstar.php?uid=1641491> and <http://www.compusa.com/retailstores/compusaStores/index.asp>.

28. Defendant Conn's has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in

the United States the computer implemented website www.conns.com, which has a store or dealer location interface at <http://www.conns.com/locator/index/>.

29. Defendant Fossil has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.fossil.com which has a store or dealer location interface at http://www.fossil.com/en_US/shop/fossil-store_locator.html.

30. Defendant GameStop has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.gamestop.com which has a store or dealer location interface at <http://www.gamestop.com/StoreLocator.aspx>.

31. Defendant Homestyle Dining has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented websites www.bonanzasteakhouses.com and www.ponderosasteakhouses.com which have a store location interfaces at http://www.bonanzasteakhouses.com/bonanza/locator_map.php and http://www.ponderosasteakhouses.com/ponderosa/locator_map.php respectively.

32. Defendant Hotels.com has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.hotels.com which has a hotel or dealer location interface reached by hitting the "show map" button from the search result page.

33. Defendant Pier 1 has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in

the United States the computer implemented website www.pier1.com, which has a store or dealer location interface at <http://www.pier1.com/TopMenu/FindaStore/tabid/55/Default.aspx>.

34. Defendant Rug Doctor has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.rugdoctor.com, which has a store or dealer location interface at <http://rent.rugdoctor.com/map/map.html>.

35. Defendant Stage Stores has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented websites www.stagestores.com, www.beallstx.com, www.goodysonline.com, www.palaisroyal.com, and www.peebles.com, which have a store location interfaces at <http://www.stagestores.com/store-locator>, <http://www.beallstx.com/store-locator>, <http://www.goodysonline.com/store-locator>, <http://www.palaisroyal.com/store-locator>, and <http://www.peebles.com/store-locator> respectively

36. Defendant TigerDirect has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271, by making and/or using in the United States the computer implemented website www.tigerdirect.com which has store location interfaces at <http://www.blipstar.com/blipstarplus/viewer/blipstar.php?uid=1641491>.

37. Defendant Whole Foods has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.wholefoodsmarket.com, which has a store or dealer location interface at <http://wholefoodsmarket.com/stores/>.

38. As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '956 patent, LBSI has

suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

39. The limitation of damages provision of 35 U.S.C. § 287(a) is not applicable to LBSI.

40. This case presents exceptional circumstances within the meaning of 35 U.S.C. § 285 and LBSI is thus entitled to an award of its reasonable attorneys' fees.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, LBSI requests entry of judgment that:

1. Defendants have infringed the patent-in-suit;
2. Defendants account for and pay to Plaintiff all damages caused by their respective infringement of the patent-in-suit; and
3. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of one or more of Defendants' patent infringement;
4. The Court declare this an exceptional case and that Plaintiff be granted reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
5. Costs be awarded to Plaintiff; and
6. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: March 4, 2011

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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