IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBILE TRANSFORMATION LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. _____
	:	
SCALA, INC.	:	**JURY TRIAL DEMANDED**
	:	
Defendant.	:	
	:	

COMPLAINT

Plaintiff Mobile Transformation LLC ("Plaintiff"), for its Complaint against Defendant

Scala, Inc. ("Defendant"), hereby alleges as follows:

PARTIES

1.   Plaintiff is a Delaware limited liability company.

2.   Upon information and belief, Defendant is a Delaware corporation having a

principal place of business at 350 Eagleview Boulevard, Suite 350, Exton, PA 19341. Upon

information and belief, Defendant may be served with process through its registered agent,

Incorporating Services, Ltd., 3500 South Dupont Highway, Dover, DE 19901.

NATURE OF THE ACTION

3.   This is a civil action for the infringement of United States Patent No. 6,351,736

(the "'736 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*.

JURISDICTION AND VENUE

4.   This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

5.   This Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

6.   Upon information and belief, more specifically, Defendant, directly and/or through authorized intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) its products and services in the United States and the State of Delaware. Upon information and belief, Defendant has committed patent infringement in the State of Delaware. Defendant solicits customers in the State of Delaware. Defendant has many paying customers who are residents of the State of Delaware and who each use Defendant's products and services in the State of Delaware.

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

THE PATENT-IN SUIT

8.   Paragraphs 1-7 are incorporated by reference as if fully set forth herein.

9.   On February 26, 2002, the '736 Patent entitled "System and Method for Displaying Advertisements with Played Data" was duly and lawfully issued by the United States Patent and Trademark Office ("PTO"). The '736 Patent is attached hereto as Exhibit A.

10.   Plaintiff is the exclusive licensee of the '736 Patent and possesses all rights of recovery under the '736 Patent, including the right to sue and recover all damages for infringement thereof, including past infringement.

COUNT I – PATENT INFRINGEMENT

11.   Paragraphs 1-10 are incorporated by reference as if fully restated herein.

12.   Upon information and belief and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe one or more claims of the '736 Patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, systems and methods for displaying advertisements with played data, such as the Scala Infochannel System. Generally, the Scala Infochannel System comprises a Scala Infochannel Designer, a Scala Content Manager, and a Scala Infochannel Player.

13.   By way of non-limiting example, with regard to claim 1, Scala provides a system for playing data of a first data type while displaying an advertisement of a second data type, the first data type being different than the second data type. The Scala system includes a user computer for receiving the data of the first data type and the advertisement of the second data type, and for playing the data of the first data type and displaying the advertisement of the second data type. Scala offers various Player Hardware Options such as the IAdea Photo Frames and IAdea Standard Definition Appliances. These appliances each include a first data type display module for driving said user computer for playing the data of the first data type; and an advertisement module for receiving the advertisement of the second data type and for driving said user computer to display the advertisement, such that playing the data of the first data type is coupled to displaying the advertisement

14.   By way of further non-limiting example, with regard to claim 61, the Scala Infochannel System comprises a receiver that a receiver that receives the data of the first data type and the advertising data of the second data type, such the Scala Content Manager that receives video files and satellite TV feeds, and the static image advertisements for movies. The Scala Infochannel System also comprises a presenting unit coupled to the receiver, the presenting unit coupling the presentation of the data of the first data type to the presentation of the advertising data of the second data type. The Scala Infochannel Player couples the presentation of the data of the first data type (e.g. video file) to the presentation of the advertising data of the second data type (static image advertisements).

15.   Further, by way of non-limiting example, with regard to claim 64, the Scala Infochannel Player downloads a first type of data such as a video file or satellite TV feed from a database associated with the Scala Content Manager, or alternatively the Internet. The Scala Infochannel Player also downloads a second type of data such as static image advertisements for movies, from a database associated with the Scala Content Manager, or the Internet. The Scala Infochannel Player generates a first command for the presentation of the data of the first data type, such as a command for playing the video file or satellite TV feed. Executable code for presentation of the data of the first data type by the Scala Infochannel Player is created by Scala content authors using the Scala Infochannel Designer. The Scala Infochannel Player presents the data of the first data type, such as a video file or satellite TV feed, to the Plasma/LCD/Videowall/LED display. The Scala Infochannel Player generates a second command for the presentation of the data of the second data type. That is, the Scala Infochannel Player generates a command for playing the static image advertisements for movies. Executable

code for presentation of the data of the second data type by the Scala Infochannel Player is created by the Scala Infochannel Designers. When the Scala Infochannel Player presents the video file or satellite TV feed, the static image advertisements are presented proximate the video file by the Scala Infochannel Player.

16. To the extent such notice may be required, Defendant received actual notice of its infringement of the '736 Patent at least as early as the filing of the original complaint in this action, pursuant to 35 U.S.C. § 287(a).

17. Defendant's aforesaid activities have been, intentional, without authority and/or license from Plaintiff.

18. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

19. Defendant's infringement of Plaintiff's exclusive rights under the '736 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mobile Transformation LLC respectfully requests that this Court enter judgment against Defendant Scala, Inc. as follows:

A. An adjudication that Defendant has infringed the '736 Patent;

B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for its past infringement and any continuing or future infringement up until the

date such judgment is entered, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285;

D.   An award to Plaintiff of its attorney fees, costs, and expenses incurred in prosecuting this action; and

E.   An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

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

Dated: June 6, 2013   STAMOULIS & WEINBLATT LLC

/s/ Stamatios Stamoulis
Stamatios Stamoulis #4606
    stamoulis@swdelaw.com
Richard C. Weinblatt #5080
    weinblatt@swdelaw.com
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
Telephone: (302) 999-1540

Counsel for Plaintiff
Mobile Transformation LLC