

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

America's Collectibles Network, Inc.

Plaintiff,

vs.

The Genuine Gemstone Company Limited,

Defendant.

Civil Action No. _____

COMPLAINT

Plaintiff America's Collectibles Network, Inc. ("Plaintiff" or "America's Collectibles"), complaining of Defendant The Genuine Gemstone Company Limited ("Defendant" or "Genuine Gemstone"), alleges and asserts the following:

Parties

1. Plaintiff, America's Collectibles, is a corporation of the State of Tennessee, and maintains its principal place of business at 9600 Parkside Drive, Knoxville, Tennessee 37922. America's Collectibles operates a home shopping network, through which it sells jewelry, gemstones and related items through its national television broadcast and through its website, www.jtv.com.

2. Upon information and belief, Defendant, Genuine Gemstone, is a limited company formed pursuant to the laws of the United Kingdom, and maintains its principal place of business at Unit 2D, Eagle Road, Moons Moat, Redditch, Worcestershire, B98 9HF, United Kingdom. Genuine Gemstone operates a home shopping network, selling jewelry, gemstones and related items under the name ROCKS TV, doing business throughout the United States. Rocks TV is a competitor to America's Collectibles.

Jurisdiction and Venue

3. This is a suit for infringement of United States Patent No. 8,370,211 (the '211 patent) and involves Defendant's use of a method and system for conducting reverse auctions. A copy of the '211 patent is attached as Exhibit A hereto.

4. Upon information and belief, Defendant, through its Rocks TV television broadcasts and Rocks TV website (www.rockstv.com), has made, used, sold, offered for sale, and/or imported a method and system into the United States that infringes the '211 patent and that is available at least in part through its national television broadcasts, which broadcasts are carried on DISH TV and DirecTV, and which can also be viewed live online from any location in the United States at <http://www.rockstv.com/Live/Auction.aspx>. Upon information and belief, the Rocks TV television broadcast has been broadcast into, accessed from, and used in Tennessee, in this judicial district and elsewhere in the United States and that, upon information and belief, has been used by customers in Tennessee, in this judicial district, and elsewhere in the United States, to purchase jewelry and gemstone products.

5. The action herein alleged arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* and, more particularly, 35 U.S.C. §§ 271 and 281-87.

6. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331, 1332(a), and 1338(a).

7. Personal jurisdiction is invoked under the provisions of Tennessee Code §§ 20-2-201, 20-2-214, 20-2-223 and/or 20-2-225.

8. Venue is proper under the provisions of 28 U.S.C. §§ 1391(b)-(c).

Factual Allegations

9. The allegations of paragraphs 1-8 are incorporated by reference as if fully set forth herein.

10. The '211 patent, entitled "Computer System," was issued on February 5, 2013.

11. The inventors, Clive Bryant, Dylan Bartlett, and Chris Lawton, assigned all right, title, and interest in and to the '211 patent to Gems TV Ltd.

12. America's Collectibles acquired, by assignment, all right, title, and interest in and to the '211 patent through assignments originating from Gems TV Ltd.

13. Upon information and belief, Defendant, through its Rocks TV television broadcasts and Rocks TV website (www.rockstv.com), has made, used, sold, offered for sale, and/or imported a method and system into the United States that infringes the '211 patent by conducting reverse auctions according to a method and using a system available at least in part through its national television broadcasts, which broadcasts are carried on DISH TV and DirecTV, and which can also be viewed live online from any location in the United States at <http://www.rockstv.com/Live/Auction.aspx>. Defendant is also selling products in and/or importing products into the United States (including Tennessee and this judicial district) through use of that method and system.

14. The acts specified in Paragraph 13 above have been performed in the United States both before and after February 5, 2013.

Count for Patent Infringement

15. The allegations of paragraphs 1-14 are incorporated by reference as if fully set forth herein.

16. Upon information and belief, Defendant has infringed and continues to infringe the '211 patent by making, using, selling, offering for sale and/or importing methods and systems embodying the patented invention, including at least in part through its national television broadcasts, which broadcasts are carried on DISH TV and DirecTV, and which can also be viewed live online from any location in the United States at <http://www.rockstv.com/Live/Auction.aspx>, to customers in the United States, including customers in Tennessee, either directly or through intermediaries controlled by Defendant.

17. Defendant has infringed, contributorily infringed, and/or induced the infringement of the '211 patent in violation of 35 U.S.C. § 271.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

- (a) Holding that Defendant has infringed the '211 patent;
- (b) Preliminarily and permanently enjoining Defendant, its officers, agents, employees, representatives, and all others acting in concert therewith, from further infringement of the '211 patent;
- (c) Awarding Plaintiff damages adequate to compensate for such infringement, and in no event less than a reasonable royalty, and, if willful infringement can be shown, increasing such damages three (3) times by reason of this being an exceptional case, together with interest and costs;
- (d) Awarding Plaintiff its reasonable attorneys' fees in prosecuting this action; and
- (e) Affording such further and other relief as this Court may deem just and proper.

PLAINTIFF DEMANDS A JURY TRIAL

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Respectfully Submitted,
NELSON MULLINS RILEY & SCARBOROUGH, LLP

By:

s\Jason I. Epstein
Jason I. Epstein (Tennessee Bar No. 017970)
jason.epstein@nelsonmullins.com
NELSON MULLINS RILEY & SCARBOROUGH, LLP
315 Deaderick Street, 18th Floor
Nashville, Tennessee 37238
Telephone: (615) 664-5364
Facsimile: (615) 664-5344

Of Counsel:

s\Neil C. Jones
Neil C. Jones (Federal Bar No. 5470)
neil.jones@nelsonmullins.com
NELSON MULLINS RILEY & SCARBOROUGH, LLP
104 South Main Street, Suite 900
Greenville, South Carolina 29601
Telephone: (864) 250-2260
Facsimile: (864) 250-2281

Of Counsel:

s\Stephen E. Roth
Stephen E. Roth
Stephen.Roth@JTV.com
Tennessee Bar No. 012233
America's Collectibles Network, Inc.
9600 Parkside Dr.
Knoxville, Tennessee 37922
Telephone: (865) 692-2820
Facsimile: (865) 692-6020

Attorneys for Plaintiff America's Collectibles Network, Inc.