1	STEVEN A. GIBSON		
2	Nevada Bar No. 6656 sgibson@dickinsonwright.com		
3	JONATHAN M. A. SALLS Nevada Bar No. 12085		
4	jsalls@dickinsonwright.com		
5	DICKINSON WRIGHT PLLC		
6	City Center West 7201 West Lake Mead Boulevard, Suite 503		
7	Las Vegas, Nevada 89128 Telephone 702.541.7888 Facsimile 702.541.7899		
8	Attorneys for Plaintiff		
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
11			
12 13	UBICOMM, LLC, a Delaware limited-liability company,	Case No.: 2:13-cv-01298	
14	Plaintiff, v.	COMPLAINT	
15 16	FC ORGANIZATIONAL PRODUCTS LLC F/K/A FRANKLIN COVEY PRODUCTS, LLC, a Utah limited-liability company,	(JURY TRIAL REQUESTED)	
17	Defendant.		
18			
19	Plaintiff UbiComm, LLC ("UbiComm"), by and through its counsel, Dickinson Wright		
20	PLLC, complains and alleges as follows against Defendant FC Organizational Products LLC		
21	f/k/a Franklin Covey Products, LLC ("FC Organ	izational Products"), on information and belief,	
22	that the following are and have been true at all time relevant to this lawsuit unless otherwise		
23	indicated specifically to the contrary:		
24	NATURE OF ACTION		
25	1. This is an action for patent infringement arising under the Patent Laws of the		
26	United States, 35 U.S.C. §§ 1, et seq.		
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1 PARTIES 2 2. UbiComm is a Delaware limited-liability company duly organized with its 3 principal place of business at 1220 North Market Street, Suite 806, Wilmington, Delaware 19801. 4 5 3. FC Organizational Products is a Utah limited-liability company with its principal place of business at 2250 West Parkway Boulevard, Salt Lake City, Utah 84119. 6 7 JURISDICTION 4. 8 The allegations set forth in the foregoing paragraphs 1 through 3 are hereby 9 realleged and incorporated herein by reference. 10 5. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). 11 12 6. On February 11, 1997, United States Patent No. 5,603,054 (the "054 Patent"), 13 entitled "Method For Triggering Selected Machine Event When The Triggering Properties Of 14 The System Are Met And The Triggering Conditions Of An Identified User Are Perceived," was 15 duly and legally issued by the United States Patent and Trademark Office. A true and correct 16 copy of the '054 Patent is attached as Exhibit 1 to this Complaint. 17 7. UbiComm is the assignee and owner of all rights, titles and interests in and to the 18 '054 Patent, including, but not limited to, the right to assert all causes of action arising under the 19 '054 Patent and the right to any remedies for infringement. 20 8. Without license or authorization, FC Organizational Products has directly 21 infringed and continues to directly infringe one or more claims of the '054 Patent in this Judicial 22 District and elsewhere in the United States at least by making and/or using one or more websites, 23 including, but not limited to, <u>http://franklinplanner.fcorgp.com/store/index.jsp</u> (the "Websites"). 9. 24 FC Organizational Products has continuously and systematically conducted 25 business in this Judicial District. The Websites are operated in Nevada and are accessed and used by residents of 26 10. 27 Nevada. 28

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2 conducting business within this Judicial District. 3 12. FC Organizational Products has established sufficient minimum contacts with this 4 Judicial District such that it should reasonably and fairly anticipate being haled into court in this 5 Judicial District. 6 13. FC Organizational Products has purposefully directed activities at residents of 7 Nevada. 14. 8 FC Organizational Products patent infringement claims alleged herein arise out of 9 or are related to one or more of FC Organizational Products' contacts and/or business activities 10 relating to this Judicial District. 11 VENUE 12 15. FC Organizational Products resides in this Judicial District under 28 U.S.C. § 13 1391(c) because FC Organizational Products is subject to personal jurisdiction in this Judicial District. 14 15 16. Venue is proper in this Judicial District under 28 U.S.C. § 1391(b)(1) because FC Organizational Products resides in this Judicial District. 16 17 17. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because FC 18 Organizational Products resides in this Judicial District. 19 18. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because FC 20 Organizational Products has committed acts of infringement in this Judicial District. 21 FIRST CAUSE OF ACTION 22 **INFRINGEMENT OF U.S. PATENT NO. 5,603,054** 23 19. The allegations set forth in the foregoing paragraphs 1 through 18 are hereby 24 realleged and incorporated herein by reference. 25 20. The Websites operate using a method that embodies the inventions claimed in the '054 Patent. 26 27 21. The '054 Patent covers a method of triggering a selected machine event in a 28 system including a multiplicity of computer controlled machines and a multiplicity of users. -3-

FC Organizational Products purposefully availed itself of the privilege of

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1	22.	One such machine event includes sending reminder emails to online shoppers	
2	who place items in their online shopping carts and then delay purchasing items in their online		
3	shopping carts.		
4	23.	FC Organizational Products sends such reminder emails to online shoppers on the	
5	Websites who delay purchasing items in their shopping carts or who abandon their shopping		
6	carts.		
7	24.	FC Organizational Products' acts constitute infringement under at least 35 U.S.C.	
8	§ 271(a).		
9	25.	Because of FC Organizational Products' infringement of the '054 Patent,	
10	UbiComm h	as suffered damages and will continue to suffer damages in the future.	
11		PRAYER FOR RELIEF	
12	UbiC	comm prays for judgment against FC Organizational Products as follows:	
13	a.	An adjudication that FC Organizational Products has infringed the '054 Patent;	
14	b.	An award of damages to be paid by FC Organizational Products adequate to	
15	compensate UbiComm for its past infringement of the '054 Patent, and any continuing or future		
16	infringement through the date such judgment is entered, including, but not limited to, interest,		
17	costs, expenses and an accounting of all infringing acts including, but not limited to, those acts		
18	not presented at trial;		
19	c.	An award of UbiComm's reasonable attorneys' fees; and	
20	d.	An award to UbiComm of such further relief at law or in equity as the Court	
21	deems just and proper.		
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2	DEMAND FOR JURY TRIAL		
3	Pursuant to Rule 38 of the Federal Rules of Civil Procedure, UbiComm demands a trial		
4	by jury on all issues and claims triable as such.		
5	Respectfully submitted this 22nd day of July, 2013.		
6		DICKINSON WRIGHT PLLC	
7	By	/s/ Jonathan Salls	
8		STEVEN A. GIBSON Nevada Bar No. 6656 JONATHAN M. A. SALLS	
9 10		Nevada Bar No. 12085 City Center West 7201 West Lake Mead Boulevard, Suite 503 Las Vegas, Nevada 89128	
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