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9 *Attorneys for Plaintiff*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 UBICOMM, LLC, a Delaware limited-liability  
13 company,

14 Plaintiff,

15 v.

16 FC ORGANIZATIONAL PRODUCTS LLC  
F/K/A FRANKLIN COVEY PRODUCTS,  
17 LLC, a Utah limited-liability company,

18 Defendant.

Case No.: 2:13-cv-01298

**COMPLAINT**

**(JURY TRIAL REQUESTED)**

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 Organizational 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.*

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  
4 19801.

5 3. FC Organizational Products is a Utah limited-liability company with its principal  
6 place of business at 2250 West Parkway Boulevard, Salt Lake City, Utah 84119.

7 **JURISDICTION**

8 4. 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  
11 1338(a).

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, <http://franklinplanner.fcorgp.com/store/index.jsp> (the “Websites”).

24 9. FC Organizational Products has continuously and systematically conducted  
25 business in this Judicial District.

26 10. The Websites are operated in Nevada and are accessed and used by residents of  
27 Nevada.

1 11. FC Organizational Products purposefully availed itself of the privilege of  
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.

8 14. 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  
14 District.

15 16. Venue is proper in this Judicial District under 28 U.S.C. § 1391(b)(1) because FC  
16 Organizational Products resides in this Judicial District.

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  
26 '054 Patent.

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.



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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, UbiComm demands a trial by jury on all issues and claims triable as such.

Respectfully submitted this 22nd day of July, 2013.

DICKINSON WRIGHT PLLC

By /s/ Jonathan Salls

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