

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

EDEKKA LLC,

Plaintiff,

v.

**LIBERTY INTERACTIVE
CORPORATION, BODYBUILDING.COM,
LLC, HSN, INC. & HSNI, LLC,**

Defendants.

Case No. 2:13-cv-975

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff eDekka LLC files this Complaint against Liberty Interactive Corporation, Bodybuilding.com, LLC, HSN, Inc., and HSNi, LLC, for infringement of United States Patent No. 6,266,674 (the “674 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff eDekka LLC (“Plaintiff” or “eDekka”) is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 3400 Silverstone Drive, Suite 191-A, Plano, Texas 75023.

4. Upon information and belief, Defendant Liberty Interactive Corporation, is a Delaware corporation with a principal office located at 12300 Liberty Blvd., Englewood, Colorado 80112.

5. Upon information and belief, Defendant Bodybuilding.com, LLC, is a Delaware corporation with a principal office located at 5777 N. Meeker Avenue, Boise, Idaho 83713.

6. Upon information and belief, Defendant HSN, Inc., is a Delaware corporation with a principal office located at 1 HSN Drive, St. Petersburg, Florida 33729.

7. Upon information and belief, Defendant HSNi, LLC is a Delaware corporation with a principal office located at 1 HSN Drive, St. Petersburg, Florida 33729.

8. Upon information and belief, Liberty Interactive Corporation is the parent company of Bodybuilding.com, LLC, HSN, Inc., and HSNi, LLC.

9. Liberty Interactive Corporation, Bodybuilding.com, LLC, HSN, Inc., and HSNi, LLC, are collectively referred to as “Defendants.” Liberty Interactive Corporation and Bodybuilding.com, LLC, are collectively referred to as the “Bodybuilding Defendants.” Liberty Interactive Corporation, HSN, Inc., and HSNi, LLC are collectively referred to as the “HSN Defendants.”

10. This Court has personal jurisdiction over Defendants because Defendants have committed, and continue to commit, acts of infringement in the state of Texas, have conducted business in the state of Texas, have directed an interactive website at Texas, and/or have engaged in continuous and systematic activities in the state of Texas.

11. On information and belief, within the State of Texas and the Eastern District of Texas, Defendants have made and/or used the patented invention with the website(s) and functionality identified herein below. In addition, on information and belief, Defendants have derived substantial revenues from their infringing acts within the State of Texas and the Eastern District of Texas.

VENUE

12. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants are deemed to reside in this district. In addition, and in the alternative, Defendants have committed acts of infringement in this district.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 6,266,674)

13. Plaintiff incorporates paragraphs 1 through 12 herein by reference.

14. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

15. Plaintiff is the owner by assignment of the '674 Patent with sole rights to enforce the '674 Patent and sue infringers.

16. A copy of the '674 Patent, titled "Random Access Information Retrieval Utilizing User-Defined Labels," is attached hereto as Exhibit A.

17. The '674 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

18. The '674 Patent has been forward-cited as prior art in connection with the examination of several subsequently-issued U.S. patents, including patents originally assigned to such prominent technology companies as Verizon Patent And Licensing Inc., Verizon Business Network Services Inc., Bellsouth Intellectual Property Corp., and Agilent Technologies, Inc.

(Direct Infringement)

19. Upon information and belief, the Bodybuilding Defendants have infringed and continue to directly infringe one or more claims of the '674 Patent, including at least claims 1 and 3, by actions comprising making and/or using one or more websites that include "shopping cart" functionality, including without limitation the website www.bodybuilding.com and

associated subsites, web pages and functionality within that website (the “BodyBuilding Accused Instrumentalities”).

20. Upon information and belief, the HSN Defendants have infringed and continue to directly infringe one or more claims of the ‘674 Patent, including at least claims 1 and 3, by actions comprising making and/or using one or more websites that include “shopping cart” functionality, including without limitation the website www.hsn.com and associated subsites, web pages and functionality within that website (the “HSN Accused Instrumentalities”).

21. Defendants’ actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendants, their agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendants who receive notice of the order from further infringement of United States Patent No. 6,266,674;
- c) Award Plaintiff damages resulting from Defendants’ infringement in accordance with 35 U.S.C. § 284;
- d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

- e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: November 20, 2013

Respectfully submitted,

/s/ Craig Tadlock

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