

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

E2E PROCESSING, INC., a Texas Corporation,	)	
	)	Civil Action No. _____
Plaintiff,	)	
vs.	)	
	)	
CABELA’S INCORPORATED, a Delaware Corporation,	)	<b>COMPLAINT FOR PATENT INFRINGEMENT</b>
	)	
Defendant.	)	<b>JURY TRIAL DEMANDED</b>
	)	
_____	)	

For its complaint against Defendant Cabela’s Incorporated (“Cabela’s” or “Defendant”), Plaintiff E2E Processing, Inc. (“E2E” or “Plaintiff”), by and through the undersigned counsel, alleging as follows:

**THE PARTIES**

1. Plaintiff E2E is a Texas corporation with its principal place of business at 719 W. Front Street, Suite 244, Tyler, Texas 75702.
2. Cabela’s is a Delaware corporation with its principal place of business at One Cabela Drive, Sidney, Nebraska. Cabela’s has appointed National Registered Agents, Inc., 160 GreenTree Drive, Suite 101, Dover, Delaware as its agent for service of process.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.
4. This Court has personal jurisdiction over Defendant because, among other reasons, Defendant conducts extensive commercial activities within the state of Texas. On

information and belief, Defendant directly or through intermediaries (including Defendant's related companies, subsidiaries, distributors, sales agents, partners and others), makes, uses, imports, offers for sale and/or sells its products and services (including, but not limited to, the products and services that are accused of infringement in this lawsuit) within the state of Texas and in this judicial district. On information and belief, Defendant has committed and continues to commit at least a portion of the acts of infringement in the District, and regularly conducts and solicits business, engages in other persistent courses of conduct, or derives substantial revenue from goods and services provided to individuals in this District.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

### **BACKGROUND**

6. On December 27, 2005, United States Patent No. 6,981,222 ("the '222 Patent"), entitled "End-to-End Transaction Processing and Statusing System and Method," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '222 Patent is attached as Exhibit A.

7. E2E is the assignee and owner of the entire right, title, and interest in and to the '222 Patent, including the right to assert all causes of action arising under the '222 Patent, and the right to any remedies for infringement.

8. Defendant Cabela's is one of the nation's largest hunting and fishing gear retailers, operating websites such as [www.cabelas.com](http://www.cabelas.com) (the "Website"). In addition to its e-commerce offerings, Cabela's has stores in 26 US states, with markets including Louisiana, Texas, West Virginia, and Washington.

**FIRST CLAIM FOR RELIEF**  
**(Patent Infringement of the '222 Patent)**

9. Plaintiff incorporates all of the preceding paragraphs of this complaint as if set forth in full herein.

10. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant directly infringes, literally or under the doctrine of equivalents, the claims of the '222 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by among other things, making, using, offering for sale, and/or selling within this district and elsewhere in the United States, certain methods or systems for exchanging information in a manufacturing environment, including but not limited to the Website, covered by one or more claims of the '222 Patent.

11. Without license or authorization and in violation of 35 U.S.C. § 271(b), Defendant indirectly infringes the '222 Patent by inducing others, including distributors, agents, resellers or users, to directly infringe one or more claims of the '222 Patent.

12. Without license or authorization and in violation of 35 U.S.C. § 271(c), Defendant contributorily infringes the '222 Patent by making, using, offering for sale and/or selling in the United States certain methods or systems covered by one or more claims of the '222 Patent, including but not limited to the Website.

13. Defendant's infringement of the '222 Patent has been and continues to be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

14. Unless enjoined by this Court, Defendant will continue to infringe the '222 Patent.

15. As a direct and proximate result of the Defendant's conduct, Plaintiff has suffered, and will continue to suffer, irreparable injury for which it has no adequate remedy at

law. Plaintiff has been damaged, and until an injunction issues, will continue to be damaged in an amount subject to proof at trial.

16. Plaintiff seeks enhanced damages pursuant to 35 U.S.C. § 284 and a finding that this is an exceptional case within the meaning of 35 U.S.C. § 285, entitling Plaintiff to its attorneys' fees and expenses.

17. Defendant's acts of infringement have caused damage to Plaintiff and Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial.

#### **PRAYER FOR RELIEF**

For the above reasons, Plaintiff respectfully requests that the Court grant the following relief in favor of Plaintiff and against Defendant:

1. A judgment in favor of Plaintiff that Defendant has infringed, directly and indirectly, one or more claims of the '222 Patent;
2. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '222 Patent;
3. A judgment declaring that Defendant's infringement of the '222 Patent was willful;
4. A judgment against Defendant declaring that Plaintiff is entitled to enhanced damages as a result of the knowing, deliberate, and willful nature of Defendant's infringement;
5. A judgment against Defendant declaring that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Plaintiff its reasonable attorneys' fees against Defendant; and
6. For such other and further relief as the Court deems just and proper.

Dated: January 22, 2014

Respectfully submitted,

By: /s/Andrew W. Spangler

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