

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WIRELESS MEDIA INNOVATIONS, LLC,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> LEAPFROG ENTERPRISES, INC.,  <p style="text-align: center;">Defendant.</p>	§ § § § § § § § § §	Civil Action No. _____  <b>COMPLAINT FOR PATENT INFRINGEMENT</b>  <b>DEMAND FOR JURY TRIAL</b>
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**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Wireless Media Innovations, LLC (“WMI” or “Plaintiff”), by way of its Complaint against LeapFrog Enterprises, Inc. (“Defendant”), hereby alleges as follows:

**THE PARTIES**

1. Plaintiff WMI is a limited liability company organized under the laws of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.
2. Upon information and belief, Defendant is a corporation organized under the laws of Delaware with its principal place of business at 6401 Hollis Street, Suite 100, Emeryville, CA 94608-1071.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. WMI seeks remedies for Defendant’s infringement of WMI’s U.S. Patent Nos. 6,148,291 and 5,712,789 (“the Patents-in-Suit”).
4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court has personal jurisdiction over Defendant by virtue of, inter alia, its presence in Delaware having established minimum contacts with the forum, having conducted

business within the State of Delaware and this Judicial District, and having engaged in systematic and continuous contacts with the State of Delaware. In particular, Defendant is incorporated pursuant to the laws of the State of Delaware, and has thereby purposefully and intentionally availed itself of the privileges of the protection of Delaware State laws. On further information and belief, Defendant regularly conducts business in this Judicial District including by making its products available for consumer purchase at retail establishments in this Judicial District.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b) because Defendant is subject to the personal jurisdiction of this Court.

**THE PATENTS-IN-SUIT**  
**U.S. PATENT NOS. 6,148,291 and 5,712,789**

7. On November 14, 2000, United States Patent No. 6,148,291 (“the ’291 Patent”), entitled “CONTAINER AND INVENTORY MONITORING METHODS AND SYSTEM,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’291 Patent is attached as Exhibit A to this Complaint.

8. On January 27, 1998 United States Patent No. 5,712,789 (“the ’789 Patent”), entitled “CONTAINER MONITORING SYSTEM AND METHOD,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’789 Patent is attached as Exhibit B to this Complaint.

9. WMI is the assignee and owner of the right, title, and interest in and to the Patents-in-Suit, including the right to assert all causes of action arising under the Patents-in-Suit and the right to any remedies for infringement thereof.

**FIRST CLAIM FOR RELIEF**  
**INFRINGEMENT OF U.S. PATENT NO. 6,148,291**

10. WMI realleges and incorporates by reference the allegations of paragraphs 1 through 9 of this Complaint as though fully set forth herein.

11. Defendant uses at least one yard management system and operative methods associated therewith to monitor the locations, movement, and load statuses of shipping containers at facilities.

12. At least by Defendant's monitoring of the containers and trailers, Defendant has infringed and continues to infringe one or more claims of the '291 Patent, either literally or under the doctrine of equivalents, by using infringing systems and methods, without authorization, in the United States in violation of 35 U.S.C. § 271, including, but not limited to, 35 U.S.C. § 271(a).

13. The infringement of the '291 Patent by Defendant has caused and continues to cause damage to WMI in an amount to be determined at trial.

**SECOND CLAIM FOR RELIEF**  
**INFRINGEMENT OF U.S. PATENT NO. 5,712,789**

14. WMI realleges and incorporates by reference the allegations of paragraphs 1 through 13 of this Complaint as though fully set forth herein.

15. Defendant uses at least one yard management system and operative methods associated therewith to monitor the locations and load statuses of container and trailers at its facilities.

16. At least by Defendant's monitoring of the containers and trailers, Defendant has infringed and continues to infringe one or more claims of the '789 Patent, either literally or under the doctrine of equivalents, by using infringing systems and methods, without authorization, in

the United States in violation of 35 U.S.C. § 271, including, but not limited to, 35 U.S.C. § 271(a).

17. The infringement of the '789 Patent by Defendant has caused and continues to cause damage to WMI in an amount to be determined at trial.

**WILLFUL INFRINGEMENT**

18. Defendant has knowledge of the Patents-in-Suit and its infringement thereof, at least as of the filing date of this Complaint.

19. Upon information and belief, Defendant has not altered its infringing conduct after receiving this Complaint.

20. Upon information and belief, Defendant's continued infringement despite its knowledge of the Patents-in-Suit and WMI's accusations of infringement has been objectively reckless and willful.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

WHEREFORE, WMI respectfully demands judgment for itself and against Defendant as follows:

A. An adjudication that Defendant has directly infringed one or more claims of each of the Patents-in-Suit pursuant to 35 U.S.C. § 271(a);

B. An adjudication requiring defendant to pay WMI damages adequate to compensate WMI for its past infringement and any continuing or future infringement of the

Patents-in-Suit through the date such judgment is entered, costs, expenses, and pre-judgment and post-judgment interest;

C. To the extent that Defendant's conduct subsequent to the date of its notice of the Patents-in-Suit is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the Patents-in-Suit;

D. An adjudication that WMI's Patent Infringement case is an exceptional case, and awarding WMI attorneys' fees pursuant to 25 U.S.C. § 285;

E. An accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award of WMI's damages for any such acts; and

F. Such other and further relief at law or in equity as the Court deems just and proper.

DATED: September 5, 2013

STAMOULIS & WEINBLATT LLC

*/s/ Richard C. Weinblatt*

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