

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

EXECWARE, LLC,

Plaintiff,

v.

BEST BUY CO., INC.,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Execware, LLC files its Complaint for Patent Infringement against Defendant Best Buy Co., Inc., alleging, based on Best Buy's knowledge of its actions and the actions of others, and based on Execware's information and belief as to all other matters.

PARTIES

1. Execware, LLC is a limited liability company organized under the laws of the Commonwealth of Virginia, having its principal offices at 3440 South Jefferson Street #1125, Falls Church, Virginia 22041.

2. On information and belief, Defendant Best Buy is a corporation organized under the laws of the State of Minnesota with a principal office at 7601 Penn Avenue South, Richfield, Minnesota 55423. Defendant Best Buy may be served with process via its registered agent CT Corporation System Inc., 100 South 5th Street, #1075, Minneapolis, Minnesota 55402.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, 284, 285, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Best Buy has transacted business in this district, and Best Buy has directly and indirectly committed acts of patent infringement in this district.

5. Best Buy is subject to this Court's specific and general personal jurisdiction under due process and the Delaware Long Arm Statute due at least to Best Buy's substantial business in this district, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to individuals in Delaware.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,216,139

6. On April 10, 2001, the United States Patent and Trademark Office ("PTO") duly and legally issued United States Patent No. 6,216,139 ("the 139 patent"), titled "Integrated Dialog Box for Rapidly Altering Presentation of Parametric Text Data Objects on a Computer Display," invented by Robert Listou.

7. Execware is the owner of the 139 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 139 patent against infringers, and to collect damages for all relevant times.

8. Best Buy has notice of its infringement of the 139 patent at least from the filing and service dates of this Complaint.

9. Best Buy, alone, or with one or more of its customers, suppliers, and distributors directly (literally and under the doctrine of equivalents) and indirectly infringed (under induced and contributory infringement) one or more claims of the 139 patent in this district and in the United States by, among other ways, making, having made, selling, offering for sale, using, or

importing products that format and reformat tabular displays of records, parameters, and text data objects under its <http://www.bestbuy.com/> website (hereinafter, “Accused Product”).¹

10. Best Buy specifically intended to induce infringement of the 139 patent by taking active steps, directly or through contractual relationships with others, to cause its customers, suppliers, and distributors to make, use, sell, offer for sale, import, or otherwise provide the Accused Product in a manner that directly infringed one or more claims of the 139 patent. Best Buy’s specific intent is shown by, for example, its advertising, advising, consulting, instructing, guiding, or directing its customers, suppliers, and distributors how to make, use, sell, offer to sell, or import the Accused Product in a directly infringing manner. Best Buy as a leader in online shopping for electronic products had sufficiently detailed knowledge of the activities of its customers, suppliers, and distributors since at least the filing of this Complaint.

11. Best Buy specifically intended to contribute to the infringement of one or more claims of the 139 patent by designing or making software components of the Accused Product that are especially designed or made for use with computer systems and other mobile or static devices or systems in an infringing manner. To the extent Best Buy did not provide these computer systems and devices, it took active steps, directly or through contractual relationships, to cause direct infringement by its customers, suppliers, and distributors from its advertising, advising, consulting, instructing, guiding, or directing its customers, suppliers, and distributors how to integrate such computer systems and devices with the Accused Product. Best Buy had knowledge of its contributory infringement since at least the filing of this Complaint.

¹ Execware accuses Best Buy of past, present, and future infringement of the 139 patent. All allegations of infringement or acts leading to infringement are made in the past tense, rather than also in the present and future tense, strictly for simplicity’s sake.

12. The Accused Product has hardware or software components that are especially designed and adapted for use with such other computer systems and devices in carrying out the formatting and reformatting tabular displays of records, parameters, and text data objects, as seen by how prominently these functions are promoted by Best Buy on its website and in its marketing literature. These components in the Accused Product constitute a material part of the invention of one or more asserted claims of the 139 patent and are not staple articles of commerce suitable for substantial non-infringing uses. These distinct and separate components are used only to perform the formatting and reformatting functionality and not any other functionality.

13. Execware has been, is being, and will continue to be damaged by Best Buy's infringing conduct. Best Buy is liable to Execware for damages in an amount that adequately compensates Execware for Best Buy's infringement. By law, this amount is no less than a reasonable royalty for Best Buy's and its customers', suppliers', and distributors' use of its Accused Product, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Execware requests a jury trial for the claims asserted in this Complaint.

PRAYER FOR RELIEF

Execware requests this Court to find in its favor, against Best Buy, and that this Court grant Execware the following relief.

a. Judgment that Best Buy directly infringed of one or more claims of the 139 patent, either literally or under the doctrine of equivalents, or that Best Buy, alone or in combination with others, indirectly infringed one or more claims of the 139 patent, either contributorily or by induced infringement;

b. A permanent injunction enjoining Best Buy, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting together with Best Buy from directly infringing, contributorily infringing, or inducing infringement of the 139 patent;

c. Judgment that Best Buy account for and pay to Execware all damages and costs that Execware incurred from Best Buy's direct or indirect infringing activities and conduct described in this Complaint;

d. Judgment that this Court grant Execware its pre- and post-judgment interest on its damages caused by Best Buy's direct or indirect infringing activities and conduct described in this Complaint;

e. Judgment that this Court declare this an exceptional case and award Execware its reasonable attorneys' fees and costs under 35 U.S.C. § 285; and

f. Judgment that this Court grant all additional relief that this Court deems just and proper.

Dated: February 21, 2014

BAYARD, P.A.

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