

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | |
|---|---|
| SFA SYSTEMS, LLC Plaintiff, v. GLASSES.COM INC. & LUXOTTICA U.S. HOLDINGS CORP., Defendants. | Civil Action No. 6:13-cv-737 JURY TRIAL DEMANDED |
|---|---|

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement of U.S. Patent No. 7,941,341 and U.S. Patent No. 6,067,525, in which SFA Systems, LLC makes the following allegations against Glasses.com Inc. (“Defendant”):

PARTIES

1. Plaintiff SFA Systems, LLC (“SFA”) is a Texas limited liability company with its principal place of business at 719 W. Front Street, Suite 242, Tyler, Texas 75702.
2. Defendant Glasses.com Inc. (“Glasses.com”) is an Ohio corporation.
3. Defendant Luxottica U.S. Holdings Corp. is a Delaware corporation with its principal office at Harbor Park Drive, Port Washington, NY 11050.

JURISDICTION AND VENUE

4. 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(a).
5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have a regular and established place of business in this

district, have transacted business in this district and have committed and/or induced acts of patent infringement in this district.

6. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendants' substantial business in this forum, 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/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,941,341

7. SFA is the owner by assignment of United States Patent No. 7,941,341 ("the '341 Patent") entitled "Sales Force Automation System and Method." A true and correct copy of the '341 Patent is attached hereto as Exhibit A.

8. Jerome Dale Johnson, David Robert Lundberg, and Michael Paul Krebsbach are listed as the inventors of the '341 Patent.

9. Defendants have directly infringed, literally and/or under the doctrine of equivalents, the '341 Patent in the State of Texas, in this judicial district, and elsewhere in the United States to the injury of SFA by, among other things, making and/or using in the United States, without license, computer implemented sales systems and methods for facilitating processes relating to the sale and provision of products and services on the www.glasses.com website, including, but not limited to, the "Other frames you might like" and "More glasses from . . . that you may like" recommendation features. Defendants have also otherwise been making and using, without license, supply chain methods, sales methods, sales systems, marketing

methods, marketing systems, and inventory systems covered by one or more claims of the ‘341 patent. Defendants have indirectly infringed the ‘341 patent by inducing its customers and third party users of its websites to use and practice the computer implemented sales systems and methods covered by the claims of the ‘341 patent. Defendants are thus liable for infringement of the ‘341 Patent pursuant to 35 U.S.C. § 271.

10. To the extent that facts learned in discovery show that Defendants’ infringement of the ‘341 Patent has been willful, SFA reserves the right to request such a finding at the time of trial.

11. As a result of Defendants’ infringement of the ‘341 Patent, SFA has suffered monetary damages in an amount not yet determined, and is entitled to a money judgment in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

12. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates and all others acting in active concert therewith from infringing the ‘341 Patent, SFA will be greatly and irreparably harmed.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,067,525

13. SFA is the owner by assignment of United States Patent No. 6,067,525 (“the ‘525 Patent”) entitled “Integrated Computerized Sales Force Automation System.” A true and correct copy of the ‘525 Patent is attached hereto as Exhibit B.

14. Jerome Dale Johnson, David Robert Lundberg, and Michael Paul Krebsbach are listed as the inventors of the ‘525 Patent.

15. Defendants have directly infringed, literally and/or under the doctrine of equivalents, the '525 Patent in the State of Texas, in this judicial district, and elsewhere in the United States to the injury of SFA by, among other things, making and/or using in the United States, without license, computer implemented sales systems and methods for facilitating processes relating to the sale and provision of products and services on the www.glasses.com website, including, but not limited to, the "Other frames you might like" and "More glasses from . . . that you may like" recommendation features. Defendants have also otherwise been making and using, without license, supply chain methods, sales methods, sales systems, marketing methods, marketing systems, and inventory systems covered by one or more claims of the '525 patent. Defendants have indirectly infringed the '525 patent by inducing its customers and third party users of their websites to use and practice the computer implemented sales systems and methods covered by the claims of the '525 patent. Defendants are thus liable for infringement of the '525 Patent pursuant to 35 U.S.C. § 271.

16. To the extent that facts learned in discovery show that infringement of the '525 Patent is, or has been willful, SFA reserves the right to request such a finding at the time of trial.

17. As a result of Defendants' infringement of the '525 Patent, SFA has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

18. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates and all others acting in active concert therewith from infringing the '525 Patent, SFA will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, SFA respectfully requests that this Court enter:

- A. A judgment in favor of SFA that Defendants have directly infringed the ‘341 and ‘525 Patents;
- B. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the ‘341 Patent, or such other equitable relief the Court determines is warranted;
- C. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the ‘525 Patent, or such other equitable relief the Court determines is warranted;
- D. A judgment and order requiring Defendants to pay SFA its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants’ infringement of the ‘341 and ‘525 Patents as provided under 35 U.S. C. § 284, and an accounting of ongoing post-judgment infringement;
- E. An award to SFA for enhanced damages as provided under 35 U.S. C. § 284;
- F. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to SFA its reasonable attorneys’ fees; and
- G. Any and all other relief to which SFA may show itself entitled.

Dated: August 26, 2014

Respectfully submitted,

By: /s/ Andrew W. Spangler

Andrew W. Spangler, TX SB # 24041960

E-mail: spangler@spanglerlawpc.com

SPANGLER LAW P.C.

208 N. Green Street, Suite 300

Longview, Texas 75601

Telephone: 903/753-9300

Facsimile: 903/553-0403

**Attorney for Plaintiff
SFA SYSTEMS, LLC**

CERTIFICATE OF CONFERENCE

The undersigned counsel of record contacted all opposing counsel requesting that any party indicate opposition to the relief requested herein. No party objected. Accordingly, no defendant opposes the relief requested herein and this motion is unopposed.

/s/Andrew W. Spangler

Andrew W. Spangler

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 26th day of August, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Andrew W. Spangler

Andrew W. Spangler