

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Marshall Feature Recognition, LLC	)	
	)	
Plaintiff,	)	14-civ-8423 (GBD)
	)	
v.	)	COMPLAINT
	)	
Terra Holdings, LLC,	)	ECF Case
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff, Marshall Feature Recognition, LLC (“MFR” or “Plaintiff”) hereby sues Defendant Terra Holdings LLC (“Terra” or “Defendant”) and alleges as follows:

**THE PARTIES**

1. Plaintiff is a limited liability company organized under the laws of the State of Texas and maintains a place of business at 104 East Houston Street, Suite 170, Marshall, Texas 75670.

2. On information and belief, Defendant is a Delaware limited liability company having a place of principal business at 770 Lexington Avenue, New York, New York 10065.

**JURISDICTION AND VENUE**

3. This action is a civil action arising under the patent laws of the United States.

4. The jurisdiction of this Court arises under 28 U.S.C. §§ 1331

(federal question) and §§1338(a) and (b) (patent action).

5. Upon information and belief, Defendant is the parent company of approximately nine real estate companies and is engaged in the luxury residential real estate sales, rentals and property management in New York City as well as in commercial property services, consulting and insurance. Upon information and belief, Defendant is the parent company of Halstead Property, LLC, which is located at 499 Park Avenue, New York, New York 10022 and Brown Harris Stevens LLC, which is located at 775 Park Avenue, New York, New York 10021.

6. Defendant conducts business throughout the United States, and in the state and county of New York

7. This Court has personal jurisdiction over Defendant and its subsidiaries because Defendant resides in this State and in this judicial district, has conducted extensive commercial activities, and continues to conduct extensive commercial activities within the state of New York. On information and belief, Defendant directly and/or through intermediaries, has made, used, provided, offered for sale and/or sold 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 New York and in this judicial district. On information and belief, Defendant has committed acts of direct and indirect infringement in this judicial district by making, using, importing, providing, offering for sale, and/or selling infringing products and/or providing infringing services, and inducing others to infringe the patent-in-suit in New York, as alleged hereafter. In addition,

Defendant regularly does and/or solicits business or engages in other persistent course of conduct or derive substantial revenue from goods used or consumer services rendered in the State of New York that violated Plaintiff's patent rights or reasonably expected or should have expected the act of violating Plaintiff's patent rights to have consequences in New York, and Defendant has derived substantial revenue from interstate commerce.

8. Venue is proper in this district under 28 U.S.C. §§ 1391 (b), (c), and/or (d) and 28 U.S.C. §§ 1400(a) and/or (b), for the reasons, *inter alia*, that Defendant resides in this district, does business in this district, has committed acts of infringement in this district and/or that the inventors to the patents asserted in this action are located in and/or near the County of New York.

9. On information and belief, Defendant's activities constitute purposeful activities in New York in relation to the cause of action alleged.

### **FIRST CLAIM FOR RELIEF**

#### **(Patent Infringement as to U.S. Patent No. 6,886,750**

10. MFR incorporates paragraphs 1 through 9 of this Complaint as if fully set forth in full herein.

11. MFR is the owner of the entire right, title, and interest in and to U.S. Patent No. 6,886,750 (the '750 patent), entitled METHOD AND APPARATUS FOR ACCESSING ELECTRONIC DATA VIA A FAMILIAR PRINTED MEDIUM. The '750 patent was duly and legally issued on or about May 3, 2005. Attached hereto as Exhibit A is a true and correct copy of the '750

patent asserted for this action.

12. Plaintiff has the right to sue and recover for any and all Infringing activities of the '750 patent.

13. Defendant has directly infringed, either literally and/or under the doctrine of equivalents, the '750 patent by having made, used, provided, utilized, offered, offered for sale, and/or sold in the United States certain methods and/or systems disclosed and claimed in the '750 patent.

14. Plaintiff provided notice of its patent rights in full compliance with the provisions of 35 U.S.C. 287(a).

15. The infringement by Defendant of the '750 patent has been willful, rendering this case exceptional within the meaning of 35 U.S.C. 285.

16. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered irreparable injury for which it has no adequate remedy at law.

17. Plaintiff has been damaged by the acts of infringements of the '750 patent committed by Defendant.

## **SECOND CLAIM FOR RELIEF**

### **(Patent Infringement as to U.S. Patent No. 6,929,182**

18. MFR incorporates paragraphs 1 through 17 of this Complaint as if fully set forth in full herein.

19. MFR is the owner of the entire right, title, and interest in and to U.S. Patent No. 6,929,182 (the '182 patent), entitled METHOD AND APPARATUS FOR ACCESSING ELECTRONIC DATA VIA A FAMILIAR

PRINTED MEDIUM. The '182 patent was duly and legally issued on or about August 16, 2005. Attached hereto as Exhibit B is a true and correct copy of the '182 patent asserted for this action.

20. Plaintiff has the right to sue and recover for any and all Infringing activities of the '182 patent.

21. Defendant has directly infringed, either literally and/or under the doctrine of equivalents, the '182 patent by having made, used, provided, utilized, offered, offered for sale, and/or sold in the United States certain methods and/or systems disclosed and claimed in the '182 patent. For instance, attached herewith as Exhibit C consists of photographs that show Defendant using H-TAGS which infringe the '182 patent.

22. Plaintiff provided notice of its patent rights in full compliance with the provisions of 35 U.S.C. 287(a).

23. The infringement by Defendant of the '182 patent has been willful, rendering this case exceptional within the meaning of 35 U.S.C. 285.

24. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered irreparable injury for which it has no adequate remedy at law.

25. Plaintiff has been damaged by the acts of infringements of the '182 patent committed by Defendant.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendant Terra Holdings LLC as follows:

(1) for Judgment that Defendant Terra Holdings, its officers, agents, servants, employees, representatives, attorneys and all persons acting in active concert or participation with it, be found to have infringed the '750 and '182 patents;

(2) That Plaintiff be compensated for the damages caused by Defendant Terra Holdings' infringement under 35 U.S.C. §284, in an amount to be precisely determined by an accounting, but not less than a reasonable royalty plus interest;

- a. That the award of damages for this exceptional case be trebled as provided by 35 U.S.C. §284;
- b. That Plaintiff be awarded its costs and attorney's fees incurred in prosecuting this action, including reasonably attorney's fees, as provided for by 35 U.S.C. §285, (plus interest); and
- c. Such other and further relief as the court deems just and equitable.

### **JURY DEMAND**

Plaintiff demands a jury trial on all issues so triable.

Dated: October 20, 2014

LEVISOHN BERGER LLP  
By:

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