

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ACTIVELIGHT, INC.,

Plaintiff,

v.

ALLURE GLOBAL SOLUTIONS, INC.,
ATLANTA BRAVES, INC., ATLANTA
NATIONAL LEAGUE BASEBALL
CLUB, INC., ARAMARK SPORTS AND
ENTERTAINMENT GROUP, LLC,
ARAMARK SPORTS AND
ENTERTAINMENT SERVICES, LLC,
AND CITY OF ATLANTA AND
FULTON COUNTY RECREATION
AUTHORITY,

Defendants.

Civil Action

No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Activelight, Inc. (“Plaintiff”), by way of this Complaint against Defendants Allure Global Solutions, Inc., Atlanta Braves, Inc., Atlanta National League Baseball Club, Inc., Aramark Sports and Entertainment Group, LLC, Aramark Sports and Entertainment Services, LLC, and City of Atlanta and Fulton County Recreation Authority (collectively “Defendants”), hereby alleges as follows:

THE PARTIES

1. Plaintiff is a corporation organized under the laws of Delaware with a principal place of business at 5400 Yahl Street, Suite D, Naples, Florida 34109.

2. On information and belief, Defendant Allure Global Solutions, Inc. (“Allure Global”) is a Georgia Corporation with a principal executive office at 400 Embassy Row, Suite 200, Atlanta, Georgia 30328 and a registered agent for service of process at 4650 Ponte Vedra Drive, Marietta, Georgia 30067.

3. On information and belief, Defendant Atlanta Braves, Inc. (“Atlanta Braves”) is a Georgia Corporation with a principal executive office at 755 Hank Aaron Drive, Atlanta, Georgia 30315 and a registered agent for service of process at 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092.

4. On information and belief, Defendant Atlanta National League Baseball Club, Inc. (“Atlanta NLB”) is a Georgia Corporation with a principal executive office at 755 Hank Aaron Drive, Atlanta, Georgia 30315 and a registered agent for service of process at 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092.

5. On information and belief, Defendant Aramark Sports and Entertainment Group, LLC (“Aramark Group”) is a Delaware limited liability company with a principal executive office at 1101 Market Street, Philadelphia,

Pennsylvania 19107 and a registered agent for service of process at 1201 Peachtree Street, NE, Atlanta, Georgia 30361.

6. On information and belief, Defendant Aramark Sports and Entertainment Services, LLC (“Aramark Services”) is a Delaware limited liability company with a principal executive office at 1101 Market Street, Philadelphia, Pennsylvania 19107 and a registered agent for service of process at 1201 Peachtree Street, NE, Atlanta, Georgia 30361.

7. On information and belief, Defendant City of Atlanta and Fulton County Recreation Authority (“Authority”) is a component unit of the City of Atlanta, Georgia with a principal executive office at 755 Hank Aaron Drive, Atlanta, Georgia 30315.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C § 271 *et seq.*

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Allure Global because, on information and belief, Allure Global has systematic and continuous contacts with Georgia and this judicial district, because Allure Global is organized in the State of

Georgia and has thereby purposefully availed itself of the benefits and protections of the laws of the State of Georgia, and because Allure Global regularly transacts business in the State of Georgia and this judicial district. Furthermore, this Court has personal jurisdiction over Allure Global because, as described further below, Allure Global has committed acts of patent infringement giving rise to this action within the State of Georgia and this judicial district and has established minimum contacts such that the exercise of personal jurisdiction over Allure Global does not offend traditional notions of fair play and substantial justice.

11. This Court has personal jurisdiction over Atlanta Braves because, on information and belief, Atlanta Braves has systematic and continuous contacts with Georgia and this judicial district, because Atlanta Braves is organized in the State of Georgia and has thereby purposefully availed itself of the benefits and protections of the laws of the State of Georgia, and because Atlanta Braves regularly transacts business in the State of Georgia and this judicial district. Furthermore, this Court has personal jurisdiction over Atlanta Braves because, as described further below, Atlanta Braves has committed acts of patent infringement giving rise to this action within the State of Georgia and this judicial district and has established minimum contacts such that the exercise of personal jurisdiction over Atlanta Braves does not offend traditional notions of fair play and substantial justice.

12. This Court has personal jurisdiction over Atlanta NLB because, on information and belief, Atlanta NLB has systematic and continuous contacts with Georgia and this judicial district, because Atlanta NLB is organized in the State of Georgia and has thereby purposefully availed itself of the benefits and protections of the laws of the State of Georgia, and because Atlanta NLB regularly transacts business in the State of Georgia and this judicial district. Furthermore, this Court has personal jurisdiction over Atlanta NLB because, as described further below, Atlanta NLB has committed acts of patent infringement giving rise to this action within the State of Georgia and this judicial district and has established minimum contacts such that the exercise of personal jurisdiction over Atlanta NLB does not offend traditional notions of fair play and substantial justice.

13. This Court has personal jurisdiction over Aramark Group because, on information and belief, Aramark Group has systematic and continuous contacts with Georgia and this judicial district, and because Aramark Group regularly transacts business in the State of Georgia and this judicial district. Furthermore, this Court has personal jurisdiction over Aramark Group because, as described further below, Aramark Group has committed acts of patent infringement giving rise to this action within the State of Georgia and this judicial district and has established minimum

contacts such that the exercise of personal jurisdiction over Aramark Group does not offend traditional notions of fair play and substantial justice.

14. This Court has personal jurisdiction over Aramark Services because, on information and belief, Aramark Services has systematic and continuous contacts with Georgia and this judicial district, and because Aramark Services regularly transacts business in the State of Georgia and this judicial district. Furthermore, this Court has personal jurisdiction over Aramark Services because, as described further below, Aramark Services has committed acts of patent infringement giving rise to this action within the State of Georgia and this judicial district and has established minimum contacts such that the exercise of personal jurisdiction over Aramark Services does not offend traditional notions of fair play and substantial justice.

15. This Court has personal jurisdiction over Authority because, on information and belief, Authority has systematic and continuous contacts with Georgia and this judicial district, because Authority was created pursuant to an Act of the General Assembly of Georgia to, in part, obtain, construct, equip, maintain, and operate sports and recreation facilities; acquire property, lease, sell and operate facilities, and because Authority regularly transacts business in the State of Georgia and this judicial district. Furthermore, this Court has personal jurisdiction over Authority because, as described further below, Authority has committed acts of

patent infringement giving rise to this action within the State of Georgia and this judicial district and has established minimum contacts such that the exercise of personal jurisdiction over Authority does not offend traditional notions of fair play and substantial justice.

16. Venue is proper in this judicial district under 28 U.S.C. §§ 1400(b) and 1391 because Defendants are subject to personal jurisdiction in this district and have committed acts of patent infringement and have regular and established places of business in this district.

THE PATENTS-IN-SUIT

17. On December 11, 2012, United States Patent No. 8,330,613 (“the ’613 Patent”), titled “REMOTE CONTROL ELECTRONIC DISPLAY SYSTEM,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’613 Patent is attached as Exhibit A to this Complaint.

18. On May 6, 2008, United States Patent No. 7,369,058 (“the ’058 Patent” collectively with the ’613 Patent, “the Activelight Patents”), titled “REMOTE CONTROL ELECTRONIC DISPLAY SYSTEM,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’058 Patent is attached as Exhibit B to this Complaint.

19. Plaintiff is the assignee and owner of all right, title, and interest in and to the Activelight Patents, and has the right to assert causes of action arising under the Activelight Patents and the right to any remedies for infringement thereof.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,330,613

20. Plaintiff re-alleges and incorporates herein by reference the allegations in paragraphs 1 through 19.

21. Defendants are and have been directly infringing, both literally and under the doctrine of equivalents, one or more claims of the '613 Patent in the United States at least by making, using, selling, offering to sell, and/or importing digital signage systems including but not limited to Allure Global Solutions, Inc.'s Digital Merchandising and Digital Menu Board solutions throughout the United States in violation of 35 U.S.C. § 271 (a).

22. Despite Defendants' notice of the '613 Patent, Defendants have continued to infringe one or more claims of the '613 Patent. On information and belief, Defendants' infringement has been and continues to be willful.

23. Because of Defendants' infringement of the '613 Patent, Plaintiff has suffered damages and will continue to suffer damages in the future. Plaintiff is entitled to an award of such damages, but in no event less than a reasonable royalty, the precise amount to be determined at trial.

24. Plaintiff has suffered irreparable injury due to the acts of infringement by Defendants and will continue to suffer such irreparable injury unless Defendants' infringing activities are enjoined.

25. As a result of Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,369,058

26. Plaintiff re-alleges and incorporates herein by reference the allegations in paragraphs 1 through 25.

27. Defendants are and have been directly infringing, both literally and under the doctrine of equivalents, one or more claims of the '058 Patent in the United States at least by making, using, selling, offering to sell, and/or importing digital signage systems including but not limited to Allure Global Solutions, Inc.'s Digital Merchandising and Digital Menu Board solutions throughout the United States in violation of 35 U.S.C. § 271 (a).

28. Despite Defendants' notice of the '058 Patent, Defendants have continued to infringe one or more claims of the '058 Patent. On information and belief, Defendants' infringement has been and continues to be willful.

29. Because of Defendants' infringement of the '058 Patent, Plaintiff has suffered damages and will continue to suffer damages in the future. Plaintiff is

entitled to an award of such damages, but in no event less than a reasonable royalty, the precise amount to be determined at trial.

30. Plaintiff has suffered irreparable injury due to the acts of infringement by Defendants and will continue to suffer such irreparable injury unless Defendants' infringing activities are enjoined.

31. As a result of Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgment for itself and against Defendants as follows:

A. An adjudication that Defendants have infringed one or more claims of the Activelight Patents;

B. Permanently enjoining and restraining Defendants, their agents, affiliates, subsidiaries, servants, employees, officers, directors, attorneys, and those persons in active concert with or controlled by Defendants from further infringing the Activelight Patents, including but not limited to using, making, importing,

offering for sell and/or selling products that infringe the Activelight Patents prior to their expiration;

C. An award of damages to be paid by Defendants adequate to compensate Plaintiff for past infringement of the Activelight Patents and any continuing or future infringement of the Activelight Patents through the date such judgment is entered, together with pre-judgment and post-judgment interest, costs, and expenses as justified under 35 U.S.C. § 284;

D. To the extent that Defendants' conduct with respect to the Activelight Patents is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for willful infringement of the Activelight Patents;

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

F. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

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

Dated: October 24, 2014

Respectfully submitted,

s/ Kevin A. Maxim

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