

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATECH IP, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:14-cv-00915-JRG-RSP
)	
WILLIAMSON-DICKIE)	
MANUFACTURING COMPANY)	(Consolidated Action Lead Case)
)	
Defendant,)	JURY TRIAL DEMANDED
)	
v.)	Civil Action No. 2:14-cv-00916-JRG-RSP
)	
)	Member Case
GOLFSMITH INTERNATIONAL,)	
INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

FIRST-AMENDED COMPLAINT

For its First-Amended Complaint, Plaintiff DataTech IP, LLC (“DataTech”), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. DataTech is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 475 Plano, Texas 75093.
2. Defendant Golfsmith International, Inc. (“Defendant”) is a Delaware corporation with, upon information and belief, a principal place of business at 11000 North IH-35, Austin, Texas 78753.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. Upon information and belief, (i) Defendant conducts substantial business in this Judicial District, directly or through intermediaries, (ii) at least a portion of the infringements alleged herein occurred in this Judicial District; and (iii) Defendant regularly does or solicits business, engages in other persistent courses of conduct and/or derives substantial revenue from goods and services provided to individuals in this Judicial District.
6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

7. On May 17, 2005, U.S. Patent and Trademark Office duly and lawfully issued United States Patent No. 6,895,554 (the "'554 patent"), entitled "Method of Document Assembly." A true and correct copy of the '554 patent is attached hereto as Exhibit A.
8. DataTech is the assignee and owner of the right, title and interest in and to the '554 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement thereof.
9. The claims of the '554 patent do not claim an abstract idea and provide an inventive concept. The inventive concept of the '554 patent is a method to efficiently, consistently, and uniformly assemble an electronic document. For example, when some or all of the information sought out by a document's at least one live data field is provided, the claimed methods of the '554 patent permit the computer(s) implementing the method to help fill in the remaining data fields by populating those fields seeking the same information with the provided information. This solution is superior to those in the

prior art because it requires less effort and guarantees that fields seeking the same information are consistently and correctly populated.

10. The claims of the '554 patent do not merely recite the performance of a longstanding business practice on a computer; rather, the claims describe a solution necessarily rooted in computer technology to solve a problem specifically arising in the realm of computers. The patent specification, for example, explains the deficiencies associated with conventional word processors. There, “once data is entered into a document, the data becomes a word or symbol without an attribute or property.” If a user desired to replace all instances of a word in a document, the user would have to resort to “the well known ‘search’ or ‘search-and-replace’ functions to find and/or replace each occurrence of a specific word or group of words.” In the case of multiple documents, “it would be necessary using the word processor to open each related document containing an occurrence of the word or group of words and use the ‘search-and-replace’ function.” The allowance of the ‘554 patent over this prior art and the other art cited on the ‘554 patent confirms that the ‘554 patent claims an inventive concept.

11. The claims of the '554 patent relate specifically to electronic documents, as each of the claim limitations must be performed in a computer. In addition, the populating of information in at least a second data field – which seeks information already provided – without requiring the information be provided a second time could not possibly be performed manually or without the aid of a computer. As an additional example, the claims of the '554 patent specifically identify how interactions with the data fields of the electronic document are manipulated to yield a desired result. Instead of requiring that the information for every data field be provided before inserting that information into the document, as was routinely and conventionally done, the claims of the '554 patent specifically describe how information in other data fields can be populated or amended, based upon information already provided, in response to specific data fields

having similar attributes or properties, a technique which overrides the conventional way that data was entered into the fields of an electronic document.

12. The technology claimed in the '554 patent does not preempt age-old concepts or any fundamental building blocks of human ingenuity. Instead, the technology claims a specific way to insert information into at least one data field based upon information already provided in other data fields by storing an attribute or property of the information that should be inserted into each data field. When the information is inserted into a data field or amended in a data field, the claimed technology ensures that, based upon the attributes or properties of information that should be stored in each field, information in other data fields is inserted or amended and the information in related data fields remains consistent. In addition, the '554 claims do not preempt all or substantially all of the ways to change the content of data fields. For example, the claims do not prevent use of the “search and replace” functionality discussed in the background of the specification.

13. The implementation of the '554 patent by a computer includes a meaningful limitation because the claimed implementation is limited to electronic documents with at least two live data fields with a specific format/structure that was not present in the prior art. This meaningful limitation limits the scope of the patented invention and ensures that the claims will not monopolize the abstract idea.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,895,554

14. DataTech repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15. Without license or authorization and in violation of 35 U.S.C. § 271(a) and (b), DataTech is informed and believes, and thereupon alleges, that (i) Defendant has infringed and continues to infringe one or more claims of the '554 patent in this District, literally and/or under the doctrine of equivalents and additionally and/or in the

alternative, (ii) Defendant has actively induced and continues to actively induce the infringement of one or more claims of the '554 patent in this District and elsewhere in the United States.

16. On information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '554 patent, in violation of 35 U.S.C. § 271(a), by, among other things, making, using, offering for sale, and/or selling within this Judicial District and elsewhere in the United States, a computer implemented system for assembling an electronic document to, for example, open or initialize a document having at least one live data field where customers are instructed to provide their billing and/or shipping information; initialize a record in computer memory for each live data field; insert user-provided data, such as shipping and/or billing information, into a first data field; and insert data from the first live data field into a second live data field based on the type of information to be stored in each field, such as a name, street address, city, state, zip code, and/or telephone number. Such a system is an integral part of Defendant's golfsmith.com electronic commerce website.

17. Additionally and/or in the alternative, on information and belief, Defendant has actively induced and continues to actively induce the infringement of one or more claims of the '554 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively, knowingly, and intentionally encouraging, aiding, and/or abetting others to make, use, offer for sale, and/or sell portions of a computer implemented system that infringes one or more claims of the '554 patent, with the specific intent to encourage infringement and with the knowledge that the making, using, offering to sell, and/or selling of such a system would constitute infringement.

18. On information and belief, Defendant has had knowledge of the '554 patent at least as early as the date it received a copy of this Complaint. Additionally, at least as early as that date, Defendant knew or should have known that its continued

offering, use, deployment, and/or operation of the at least one computer implemented system and its continued support of others, if those parties perform any limitations of one or more of the claims of the '554 patent, would induce direct infringement of the '554 patent.

19. DataTech is entitled to recover from Defendant the damages sustained by DataTech as a result of Defendant's infringement of the '554 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

DataTech hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, DataTech requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '554 patent;
- B. An award of damages to be paid by Defendant adequate to compensate DataTech for Defendant's past infringement of the '554 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of DataTech's reasonable attorneys' fees; and
- D. An award to DataTech of such further relief at law or in equity as the Court deems just and proper.

///

///

///

Dated: January 16, 2015

/s/ Andrew W. Spangler

Andrew W. Spangler TX SB #24041960

spangler@spanglerlawpc.com

Spangler Law P.C.

208 N. Green Street, Suite 300

Longview, TX 75601

Telephone: (903) 753-9300

Facsimile: (903) 553-0403

/s/ Matt Olavi

Matt Olavi CA SB #265945

molavi@olavidunne.com

Olavi Dunne LLP

800 Wilshire Boulevard, Suite 320

Los Angeles, CA 90017

Telephone: (213) 516-7900

Facsimile: (213) 516-7910

Attorneys for Plaintiff

DataTech IP LLC