

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

Genaville LLC, Plaintiff,

v.

**The Men's Wearhouse, Inc. and Jos. A.
Bank Clothiers, Inc., Defendants.**

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Genaville LLC (“Genaville” or “Plaintiff”) makes the following allegations against The Men's Wearhouse, Inc. and Jos. A. Bank Clothiers, Inc. (collectively, “Defendants”):

PARTIES

1. Plaintiff Genaville is a limited liability company organized under the laws of the State of Texas and has its principal place of business at 1400 Preston Road, Suite 478, Plano, Texas, 75093.

2. On information and belief, Defendant The Men's Wearhouse, Inc. is a corporation organized and existing under the laws of the State of Texas, with a principal place of business located at 6380 Rogerdale Road, Houston, Texas, 77072. Defendant may be served via its registered agent for service of process: The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

3. On information and belief, Defendant Jos. A. Bank Clothiers, Inc. is a corporation and existing under the laws of the State of Delaware, with a principal place of business located in Hampstead, Maryland. Defendant may be served via its registered agent for service of process:

The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

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. 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 its 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.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). On information and belief, Defendants have transacted business in this district, and have performed at least a portion of the infringements alleged herein in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,999,927

7. Plaintiff Genaville is the owner by assignment of United States Patent No. 5,999,927 ("the '927 Patent") titled "Method and Apparatus for Information Access Employing Overlapping Clusters." The '927 Patent was duly issued by the United States Patent and Trademark Office on December 7, 1999. A true and correct copy of the '927 Patent is attached as Exhibit A.

8. Upon information and belief, Defendants make, use, operate, and make available to the public, directly or through intermediaries, websites and related systems that are, and were

during the term of the '927 Patent, accessible to the public via the URLs at <http://www.menswearhouse.com/> and <http://www.josbank.com/> (“the Accused Instrumentalities”).

9. Upon information and belief, Defendants have infringed the '927 Patent during its term in the State of Texas, in this district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, operating, and making available to the public the Accused Instrumentalities that performed the methods and/or used the systems covered by at least claim 1 of the '927 Patent to the injury of Plaintiff. Defendants have directly infringed, literally and/or under the doctrine of equivalents, the '927 Patent during the term of the '927 Patent. Defendants are thus liable for infringement of the '927 Patent pursuant to 35 U.S.C. § 271.

10. As a result of Defendants' infringement of the '927 Patent, Plaintiff 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 Defendants, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Genaville respectfully requests that this Court enter:

11. A judgment in favor of Plaintiff that Defendants have infringed, either literally and/or under the doctrine of equivalents, the '927 Patent;

12. A judgment and order requiring Defendants to pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '927 Patents as provided under 35 U.S.C. § 284; and

13. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff Genaville, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED May 28, 2015.

Respectfully submitted,

/s/ Jaspal S. Hare

By: _____

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