# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Execware, LLC,

Plaintiff,

V.

Civil Action No.

Hyatt Corporation; and Hyatt Hotels Corporation,

DEMAND FOR JURY TRIAL

Defendants.

## **COMPLAINT**

Plaintiff Execware, LLC ("Execware") alleges as follows:

# **PARTIES**

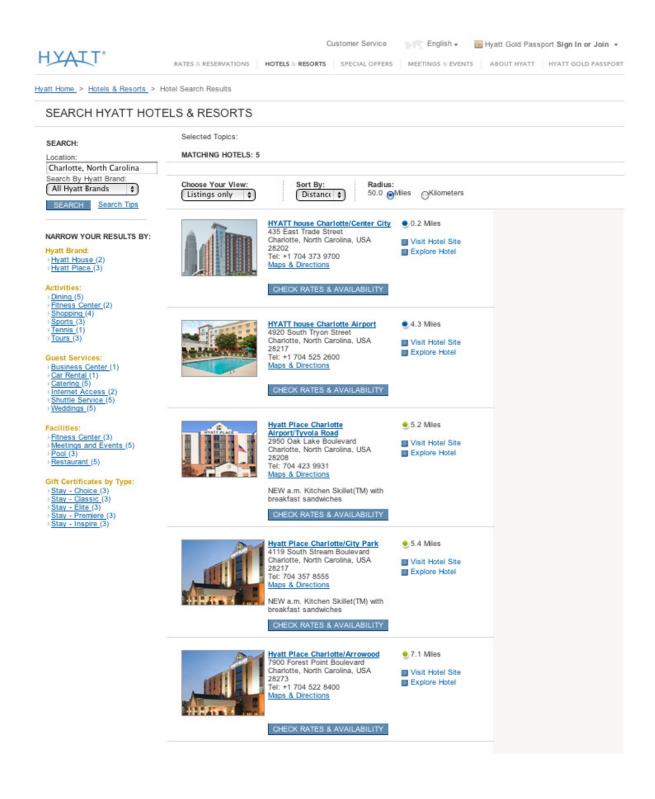
- 1. Executare is a limited liability company organized under the laws of the Commonwealth of Virginia, having its principal offices at 3440 S. Jefferson Street #1125, Falls Church, Virginia 22041.
- 2. Defendant Hyatt Corporation ("Hyatt Corp.") is a Delaware corporation with a principal place of business at 71 South Wacker Drive, 12th Floor, Chicago, Illinois 60606. Hyatt has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 as its agent for service of process.
- 3. Defendant Hyatt Hotels Corporation ("Hyatt Hotels Corp.") is a Delaware corporation with a principal place of business at 71 South Wacker Drive, 12th Floor, Chicago, Illinois 60606. Hyatt Hotels Corporation has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 as its agent for service of process.

#### JURISDICTION AND VENUE

- 4. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
- 5. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because Defendants Hyatt Corp. and Hyatt Hotels Corp. (collectively, "Hyatt") are subject to personal jurisdiction in this District, have committed acts of patent infringement in this District, or have a regular and established place of business in this District.

# COUNT I (Infringement of U.S. Patent No. 6,216,139)

- 6. Execware is the owner by assignment of United States Patent No. 6,216,139 ("the '139 patent"), entitled "Integrated Dialog Box for Rapidly Altering Presentation of Parametric Text Data Objects on a Computer Display." The '139 patent issued on April 10, 2001. A true and correct copy of the '139 patent is attached hereto as Exhibit A.
- 7. On information and belief, Hyatt is directly infringing (literally and under the doctrine of equivalents) at least claim 1 of the '139 patent in this District and throughout the United States by, among other things, making, using, selling, offering to sell, or importing a computer system to rapidly format and reformat tabular displays of records or text data objects, such as Hyatt's hotel room rental listings at www.hyatt.com. For example, in returning the search results for "Charlotte, North Carolina," shown below, Hyatt's software initially sorts the selected text data objects and allows further sorting of the large amount of data.



- 8. As a result of Hyatt's infringement of the '139 patent, Execware has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Hyatt's infringing activities are enjoined by this Court.
- 9. Unless a permanent injunction is issued enjoining Hyatt and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '139 patent, Execurate will suffer irreparable harm.

### PRAYER FOR RELIEF

Execuare prays for the following relief:

- 1. A judgment that Hyatt has infringed (either literally or under the doctrine of equivalents), directly or indirectly, one or more claims of the '139 patent;
- 2. A permanent injunction enjoining Hyatt and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the '139 patent;
- 3. An award of damages resulting from Hyatt's acts of infringement in accordance with 35 U.S.C. § 284;
- 4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Execurre its reasonable attorneys' fees against Hyatt;
- A judgment and order requiring Hyatt to provide an accounting and to pay supplemental damages to Execuare, including without limitation, pre-judgment and postjudgment interest; and
  - 6. Any and all other relief to which Execuare may show itself to be entitled.

## **DEMAND FOR JURY TRIAL**

Execware demands a trial by jury on all issues so triable.

Dated: May 2, 2012

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