

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

<p>AERITAS, LLC,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="padding-left: 100px;">vs.</p> <p>LA QUINTA HOLDINGS INC.</p> <p style="padding-left: 100px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. _____</p> <p>(JURY DEMANDED)</p>
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ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Aeritas, LLC (“Aeritas”), alleges as follows:

PARTIES

1. Aeritas is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business in Dallas, Texas.

2. Upon information and belief, La Quinta Holdings Inc. (“La Quinta”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 909 Hidden Ridge, Suite 600, Irving, Texas 75038.

JURISDICTION AND VENUE

3. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281 and 284-285, among others. This Court has subject matter jurisdiction of the action under Title 28 U.S.C. § 1331 and § 1338(a).

4. Upon information and belief, personal jurisdiction by this Court over Defendant is proper based upon its having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

5. Venue properly lies in this district under the provisions of 28 U.S.C. § 1391 because Defendant has purposely and repeatedly availed itself of the privilege of doing business within the district, and because a substantial part of the events giving rise to the claims herein occurred in this district.

THE PATENTS-IN-SUIT

6. On April 27, 2010, United States Patent No. 7,706,819 (the “‘819 patent”) was duly and legally issued for a “Mixed-Mode Interaction.” A true and correct copy of the ‘819 patent is attached hereto as Exhibit A. Aeritas is the owner of all right, title and interest in and to the ‘819 patent.

7. On November 8, 2011, United States Patent No. 8,055,285 (the “‘285 patent”) was duly and legally issued for a “Mixed-Mode Interaction.” A true and correct copy of the ‘285 is attached hereto as Exhibit B. Aeritas is the owner of all right, title and interest in and to the ‘285 patent.

8. On December 31, 2013, United States Patent No. 8,620,364 (the “‘364 patent”) was duly and legally issued for a “Mixed-Mode Interaction.” A true and correct copy of the ‘364

patent is attached hereto as Exhibit C. Aeritas is the owner of all right, title and interest in and to the '364 patent.

BACKGROUND

9. Aeritas developed its mobile device location-based information service based on research and development activities that began in early 2000. In recognition of its pioneering efforts in this field, the United States Patent & Trademark Office issued the inventors several U.S. patents directed to the Company's innovative technology platform, service and notification method. These include the patent-in-suit.

DEFENDANT'S ACTS

10. According to its website, La Quinta is a leading owner, operator and franchisor of select-service hotels primarily serving the upper-midscale and midscale segments. The Company's owned and franchised portfolio consists of more than 875 properties representing over 87,000 rooms located in 47 US states, Canada, Mexico and Honduras. These properties operate under the La Quinta Inn & Suites™, La Quinta Inn™ and LQ Hotel™ brands. There are numerous properties operating in this District.

11. La Quinta provides a suite of mobile device applications that enable users to make and manage reservations, find and view La Quinta location details, directions and maps, and access their personal account that stores personal data, credit card information, contact preferences and reservations. These applications are the La Quinta mobile app for iPhone®, iPad® and Android™. The following video describes the La Quinta mobile app:

<https://goo.gl/75pqxQ>.

12. One of the features of the La Quinta mobile app is the READY FOR YOU™ alert service. When planning a stay online, guests can select a time frame in which they anticipate to

arrive, choose to receive either an email or text message alert when their room is ready, and are notified when their room has been prepped.

13. Mobile device users execute these applications on their mobile devices; as a consequence, one or more methods or systems as described by one or more claimed inventions in each patent-in-suit are carried out. For example, the La Quinta mobile application enables a user to identify and store data (e.g., user profile data, reservations, and the like), to identify or search for nearby hotel/motel locations based on the current location of the user's mobile device and the stored data, and to interact with La Quinta to receive additional information relevant to the search, the location or the reservation. During these end user interactions with La Quinta, claims 17 and 19-20 of the '819 patent, and claims 1-9 and 10-14 of the '285 patent, are infringed, in violation of 35 U.S.C. §271(a).

14. In addition, the READY FOR YOU alert service infringes claims 1-5 and 7 of the '364 patent, in violation of 35 U.S.C. §271(a).

15. As a result of Defendant's direct infringement of the '819, '285 and/or '364 patents under 35 U.S.C. §271(a), Aeritas has suffered monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. §284, but in no event less than a reasonable royalty.

16. Upon information and belief, Defendant's infringing conduct will continue unless enjoined by this Court, resulting in continuing harm to Plaintiff.

JURY DEMAND

Aeritas hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Aeritas requests that the Court enter a judgment in its favor and against Defendant as follows:

- A. permanently enjoining Defendant, its agents, servants, and employees, and all those in privity with it or in active concert and participation with it, from engaging in acts of infringement of the patents-in-suit;
- B. awarding Aeritas past and future damages together with prejudgment interest and post-judgment interest to compensate for the infringement of the patents-in-suit in accordance with 35 U.S.C. § 384;
- C. declare this case exceptional, pursuant to 35 U.S.C. § 285; and
- D. awarding Aeritas its costs (including expert fees), disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court; and
- E. granting such further relief as this Court deems to be just and proper.

Dated: November 30, 2015

Respectfully submitted,

/s/ David H. Judson

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Texas Bar No. 11047150

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