

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

POSITIONTECH LLC,)
)
Plaintiff,)
) Civil Action No. _____
v.)
) JURY TRIAL DEMANDED
THE WALT DISNEY COMPANY and)
WALT DISNEY PARKS AND RESORTS)
WOLRDWIDE, INC.,)
)
Defendants.)
_____)

COMPLAINT

For its Complaint, Plaintiff Positiontech LLC ("Positiontech"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Positiontech is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

2. Defendant The Walt Disney Company is a Delaware company with, upon information and belief, a place of business located at 500 South Buena Vista Street, Burbank, California 91521.

3. Defendant Walt Disney Parks and Resorts Worldwide, Inc. is a California corporation with, upon information and belief, a place of business located at 500 South Buena Vista Street, Burbank, California 91521.

4. Upon information and belief, Walt Disney Parks and Resorts Worldwide, Inc. is a subsidiary of Defendant The Walt Disney Company. (The Walt Disney Company and Walt Disney Parks and Resorts Worldwide, Inc. are collectively referred to herein as "Defendants").

JURISDICTION AND VENUE

5. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

6. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

7. Upon information and belief, Defendants conduct substantial business in this forum, directly or through intermediaries, 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 this district.

8. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

9. On June 13, 2006, U.S. Patent No. 7,061,384 (the "'384 patent"), entitled "Positional Information Management System," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '384 patent is attached hereto as Exhibit A.

10. On November 15, 2005, U.S. Patent No. 6,965,317 (the "'317 patent"), entitled "Positional Information Management System," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '317 patent is attached hereto as Exhibit B.

11. Positiontech is the assignee and owner of the right, title and interest in and to the '384 and '317 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,061,384

12. Positiontech repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

13. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claim 1 of the '384 patent by making, using, importing, offering for sale, and/or selling, positional information management systems, including, but not limited to, MyMagic+.

14. More specifically and upon information and belief, Defendants' MyMagic+ system is a positional information management system that records transactions of users (e.g., time and location). *See* <https://disneyworld.disney.go.com/plan/my-disney-experience/passholder/> (last accessed Feb. 19, 2016) ("Passholder"); <https://disneyworld.disney.go.com/faq/my-disney-experience/my-magic-plus-privacy/> (last accessed Feb. 19, 2016) ("My-Magic-Plus-Privacy"). The MyMagic+ system includes a management server that collects information from readers that read RF devices and that includes memory (e.g., information is stored in an encrypted database) and a clock. *See* xTP INSTALLATION AND USER GUIDE at p. 14 (attached as Exhibit C); My-Magic-Plus-Privacy; <https://disneyworld.disney.go.com/faq/fast-pass-plus/reservation-requirement/> (last accessed Feb. 19, 2016) ("Reservation-Requirement"). The MyMagic+ system includes a band (e.g., MagicBand) that holds a card and is worn on a wrist or a credit-sized RFID card that is carried by a user in a facility, such as a Disney World resort. *See* <https://www.floridatix.com/images/photos/tix/guides/mymagicplus/card-band.jpg> (last accessed Feb. 19, 2016). Each MagicBand and RFID card has a tag IC (e.g., RFID chip) for storing a tag ID. *See* My-Magic-Plus-Privacy. The MyMagic+ system employs a plurality of detectors (e.g., RFID detectors spread throughout the resort) that communicate with the positional management server. *See* Passholder; Exh. C at p. 14. Each detector has a detector ID and, for example, each Fastpass line has at least two detectors, one at the front of the line to gain access and one

immediately before a person gets on a ride. If the person does not have a scheduled time for the ride, the detector flashes blue and if a user has a scheduled Fastpass, the reader flashes green. Thus, each detector must have a detector ID that is linked to a certain ride's entrance. Each detector also has a detection range (e.g., the person must place the MagicBand or RFID card close to the detector, and each detector is located at a specific location (e.g., at a certain ride or point of sale location), and the detector detects a tag ID signal sent from the tag IC (e.g., a certain person has a scheduled Fastpass or uses a point of sale reader). *See My-Magic-Plus-Privacy*. Each detector transmits to the positional information management server the tag ID detected and the detector ID of the receiver detecting the tag ID, the memory records together the tag ID, the detector ID of the detector, and, from the clock, time at which the detector has detected the tag ID, for managing positional information regarding the user, based on the tag ID, the detector IDs, and the times recorded.

15. Positiontech is entitled to recover from Defendants the damages sustained by Positiontech as a result of Defendants' infringement of the '384 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.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,965,317

16. Positiontech repeats and realleges the allegations of paragraphs 1 through 15 as if fully set forth herein.

17. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants is liable for infringement of at least claim 1 of the '317 patent by making, using, importing, offering for sale, and/or selling, positional information management systems, including, but not limited to, MyMagic+.

18. More specifically and upon information and belief, Defendants' MyMagic+ system is a positional information management system that records transactions of users (e.g., time and location). *See* Passholder; My-Magic-Plus-Privacy. The MyMagic+ system includes a band (e.g., MagicBand) that holds a card and is worn on a wrist or a credit-sized RFID card that is carried by a user in a facility, such as a Disney World resort. *See* <https://www.floridatix.com/images/photos/tix/guides/mymagicplus/card-band.jpg> (last accessed Feb. 19, 2016). Each MagicBand and RFID card has a tag IC (e.g., RFID chip) for storing a tag ID. *See* My-Magic-Plus-Privacy. The MyMagic+ system employs a plurality of detectors (e.g., RFID detectors spread throughout the resort) that communicate with the positional management server. *See* Passholder; Exh. C at p. 14. Each detector has a detector ID and, for example, The Walt Disney World Resort has at least two detectors located at various locations in the hotel. The detector detects a tag ID signal sent from the tag IC (e.g., a certain person has entered a hotel room, accessed a FastPass line, or uses a point of sale reader). *See* My-Magic-Plus-Privacy. The MyMagic+ system includes means for recording a pair of the tag ID and the detector ID, and a time at which the detector has detected. *See* Exh. C at p. 14; Reservation-Requirement. The MyMagic+ system comprises a positional information management means; the system is operable to manage the positional information of the user (e.g., provide information regarding a person's location and at what time the person was at that location). *See* My-Magic-Plus-Privacy.

19. Positiontech is entitled to recover from Defendants the damages sustained by Positiontech as a result of Defendants' infringement of the '317 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

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

PRAYER FOR RELIEF

WHEREFORE, Positiontech requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendant has infringed the '384 and '317 patents;
- B. An award of damages to be paid by Defendants adequate to compensate Positiontech for Defendants' past infringement of the '384 and '317 patents 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 Positiontech's reasonable attorneys' fees; and
- D. An award to Positiontech of such further relief at law or in equity as the Court deems just and proper.

Dated: February 19, 2016

/s/Andrew W. Spangler

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