

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

LGRT PRO LLC,

Plaintiff,

v.

SELECT COMFORT CORPORATION,

Defendant.

Civil Action No. 5:16-cv-

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff LGRT Pro LLC, by and through its undersigned counsel, files this Original Complaint for Patent Infringement and alleges based on knowledge as to itself and information and belief as to the Defendant as follows.

THE PARTIES

1. LGRT Pro LLC (“LGRT”) is a Texas limited liability company with a place of business located at 3401 Custer Road, Suite 125-D, Plano, Texas 75023.
2. Defendant Select Comfort Corporation (“Defendant”) is a Minnesota corporation with a principal place of business at 9800 59th Avenue North, Minneapolis, Minnesota 55442.

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, this Court has personal jurisdiction over Defendant because (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 Judicial District under 28 U.S.C. §§ 1391(b), (c), and 1400(b).

THE PATENT-IN-SUIT

7. On May 17, 2005, the U.S. Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,895,554 (the “554 patent”), entitled “Method of Document Assembly.” A true and accurate copy of the 554 patent is attached at Exhibit A.

8. LGRT is the owner and assignee of all right, title, and interest in and to the 554 patent, including the right to assert all past and present causes of action arising under the patent and the right to sue for any and all past and future remedies for infringement thereof.

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

9. LGRT incorporates by reference each of its allegations in paragraphs 1 to 8 herein.

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

11. On information and belief, Defendant has directly infringed and continues to directly infringe at least claims 1 and 2 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 its website: www.sleepnumber.com, which under claim 1 of the 554 patent, according to one of ordinary skill in the art, is a computer implemented system for assembling an electronic document (such as shipping and billing information generated

during the checkout process) comprising the steps of: (a) initializing or opening in a memory of a computer a document having at least one live data field (*e.g.*, name, address, etc. for each shopper); (b) initializing a record (such as a memory address) in the memory for each live data field, each record storing an attribute or property of data (such as the name of the shopper) received in the corresponding live data field; (c) inserting data into a first live data field (such as the name of the shopper) or amending data in the first live data field; and (d) inserting data into a second live data field (*e.g.*, name, address, etc. for each shopper) or amending the data in second live data field to include the data inserted into or amended in the first live data field based on the attributes or properties of the data stored in the records of the first and second live data fields (such as when the billing and shipping information are the same).

12. Defendant directly infringes claim 2 of the 554 patent under the method as set forth in claim 1, wherein the first and second data fields are in the same document (such as when the billing and shipping information are displayed together on the same page).

13. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case and does not intend to be estopped for claim construction purposes by its preliminary infringement analysis as provided in this Complaint. Plaintiff's preliminary infringement analysis is not representative of its claim construction positions.

14. Additionally or in the alternative, on information and belief, Defendant has actively induced and continues to actively induce the infringement of at least claims 1 and 2 of the 554 patent in violation of 35 U.S.C. § 271(b) by, among other things, knowingly and intentionally encouraging, aiding, and abetting its customers to make, use, offer for sale, and/or sell its website: www.sleepnumber.com in violation of claims 1 and 2 as provided above with the specific intent to encourage direct infringement by its customers with the knowledge that the making, using, offering to sell, and/or selling of its website constitutes direct infringement.

15. On information and belief, Defendant actively induces infringement, for example, by providing instructions to its customers on how to directly infringe at least claims 1 and 2 by completing and filling in the billing and shipping information during the checkout process.

16. On information and belief, Defendant has had knowledge of the 554 patent at least since 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 making, using, offering for sale, and/or selling of its website induces direct infringement of the 554 patent.

PRAYER FOR RELIEF

WHEREFORE, LGRT requests that this Court enter judgment against Defendant as follows.

A. Judgment that Defendant has infringed the 554 patent under 35 U.S.C. §§ 271(a) and (b);

B. An accounting of all infringing acts including, but not limited to, those acts not presented at trial.

C. An award of damages under 35 U.S.C. § 284 to be paid by Defendant adequate to compensate LGRT for Defendant's past and future infringement of the 554 patent, including any infringement from the date of filing of this Complaint through the date of judgment, together with interest and costs;

D. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of LGRT's reasonable attorneys' fees and costs; and

E. An award to LGRT of such further relief at law or in equity as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff LGRT demands a trial by jury on all claims and issues so triable.

Dated: April 1, 2016

Respectfully submitted,



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