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

PHERAH LLC,	
Plaintiff,	
v.	**CIVIL ACTION NO 6:16-cv-1278**
NEOGRID NORTH AMERICA LLC,	**JURY TRIAL DEMANDED**
Defendant.	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1.   This is an action for patent infringement in which Pherah LLC makes the following allegations against NeoGrid North America LLC.

PARTIES

2.   Plaintiff Pherah LLC ("Plaintiff" or "Pherah") is a Texas limited liability company with its principal place of business at 5068 West Plano Parkway, Plano, Texas, 75093.

3.   On information and belief, NeoGrid North America LLC ("Defendant" or "NeoGrid") is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 55 West Monroe St, Suite 3590, Chicago, IL 60603.

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.   Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

6.   On information and belief, Defendant is 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 Judicial District.

<u>COUNT I</u>

<u>INFRINGEMENT OF U.S. PATENT NO. RE44,652</u>

7.   Plaintiff is the owner of United States Patent No. RE44,652 ("the '652 patent") entitled "Computer-Readable Data Product For Managing Sales Information." The '652 Patent issued on December 17, 2013. A true and correct copy of the '652 Patent is attached as Exhibit A.

8.   Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '652 patent. The '652 patent provides, among other things, "[a] non-transitory computer program product readable by a computing system and encoding a set of computer instructions implementing a method for managing product knowledge comprising a plurality of data items related to products offered for sale by a selling entity, the computing system including a memory arrangement and at least one processing unit, the method comprising: defining a data model for a plurality of data categories, the data model establishing relationships between data categories; receiving in the computer system a plurality of particular data items corresponding to the plurality of data categories; receiving user-defined relationship information for the plurality of particular data items, the relationship information relating each of the plurality of particular data items to another of the plurality of particular data items; presenting the product knowledge, including information about the particular data item, to a user of the system in a manner established by the data model and the user-defined relationship, said presenting being in a selected graphical user interface view defining a hierarchy of the data items from a designated starting point within the hierarchy; wherein the data model is constructed from a plurality of data instance items interconnected using the user-defined relationship items for each data instance item, each data instance item being an input that

corresponds to one or more of the data categories and representing at least part of the product knowledge."

9.   Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '652 patent, including at least Claim 24, in this district and elsewhere in the United States. Particularly, the Defendant's Agentrics NeoGrid PLM software comprises a non-transitory computer program product readable by a computing system and encoding a set of computer instructions implementing a method for managing product knowledge comprising a plurality of data items related to products offered for sale by a selling entity, the computing system including a memory arrangement and at least one processing unit. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendant has injured Plaintiff and is thus liable for infringement of the '652 patent pursuant to 35 U.S.C. § 271.

10.   Based on present information and belief, the Agentrics NeoGrid PLM software allows a user to define a data model for a plurality of data categories, (e.g., availability by the retailer, brand and category, value, margin etc.), the data model establishing relationships between data categories, as shown below. (e.g., Agentrics NeoGrid PLM software allows for users to define a model set of data categories which the interface then uses to establish the relationships between the actual data categories in use).

11.   Based on present information and belief, the Agentrics NeoGrid PLM software receives in a computer system (For example, PC, tablet or smartphone) a plurality of particular data items (e.g., availability by the retailer, brand and category, value, margin etc.) corresponding to the plurality of data categories. The Agentrics NeoGrid PLM software sends data items and allows users to organize such data according to user-defined data categories. The processed data is then received and displayed on a computer system.

12.   Based on information and belief, the Agentrics NeoGrid PLM software receives user-defined relationship information for a plurality of particular data items (availability by the retailer, brand and category, value, margin etc.) the relationship information relating each of the plurality of particular data items to another of the plurality of particular data items. On present information and belief, the Agentrics NeoGrid PLM software allows users to define relationship

information between various data items and customize how they interact with each other in the Agentrics NeoGrid PLM software interface.

13.   Based on present information and belief, the Agentrics NeoGrid PLM software system presents product knowledge, including information about the particular data item (availability by the retailer, brand and category, value, margin etc.), to a user of the system (e.g., any person with access to the system and who can edit and define relationships between the data) in a manner established by the data model and the user-defined relationship, said presenting being in a selected graphical user interface view defining a hierarchy of the data items from a designated starting point within the hierarchy. On present information and belief, the Agentrics NeoGrid PLM software presents data graphically to the user organized in a manner consistent with the previously defined data models and user-defined relationships in the desired format – dial, histogram, Pareto charts etc.

14.   Based on present information and belief, the Agentrics NeoGrid PLM software presents a data model (e.g., funnel, bubble, waterfall, histogram, etc.) that is constructed from the plurality of data instance items (availability by the retailer, brand and category, value, margin etc.) interconnected using the user-defined relationship items (e.g., the parameters set by the user in the example data model via Agentrics NeoGrid PLM software's dashboard) for each data instance item, (e.g., new brand, product etc.) each data instance item (e.g., new brand, product etc.) being an input that corresponds to one or more of the data categories (e.g., each data instance such as new brand, can be set by the user to correspond to particular data categories such as Q1 report or annual report) and representing at least part of the product knowledge (e.g., the data instances represent the product knowledge, i.e., the budget and sales of a particular product.).

15.   In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

16.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

17.   In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '652 Patent complied with all marking requirements under 35 U.S.C. § 287.

18.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1.   A judgment in favor of Plaintiff that Defendant has infringed the '652 Patent;

2.   A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '652 Patent as provided under 35 U.S.C. § 284;

3.   An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 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 Plaintiff its reasonable attorneys' fees; and

5.   Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

Respectfully Submitted,

PHERAH LLC

/s/ Papool S. Chaudhari

Dated: November 10, 2016   By: _____

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