

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

**CDR PRINTING LLC,**

Plaintiff,

v.

**SPEC'S FAMILY PARTNERS, LTD.  
D/B/A SPEC'S WINE, SPIRITS & FINER  
FOODS,**

Defendant.

**Civil Action No. 2:16-cv-1043**

**JURY TRIAL DEMANDED**

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which CDR Printing LLC ("Plaintiff") makes the following allegations against Spec's Family Partners, Ltd. d/b/a Spec's Wine, Spirits & Finer Foods ("Defendant") alleging as follows:

**PARTIES**

1. Plaintiff CDR Printing LLC is a Texas limited liability company, having a principal place of business at 815 Brazos St., Ste. 500, Austin, TX 78701.
2. Defendant is a limited corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 2410 Smith St., C/O 4<sup>th</sup> Flr., Houston, TX 77006-2316. Upon information and belief, Defendant may be served via its registered agent: Harry Herzog at 427 Mason Park Blvd., Katy, TX 77450.

**JURISDICTION AND VENUE**

3. 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).

4. Venue is proper in this District under 28 U.S.C. § 1400(b). Defendant maintains a regular and established place of business in this District, and has committed acts of patent infringement in this District.

5. 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 Statue, 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.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,271,929**

6. Plaintiff is the owner by assignment of United States Patent No. 7,271,929 ("the '929 Patent") titled "System and Method for Integrated Printing and Assembly of Electronic Documents." The '929 Patent issued on September 18, 2007. A true and correct copy of the '929 Patent is hereto attached as Exhibit A.

7. David H. Tannenbaum is listed as the inventor of the '929 Patent.

8. The '929 Patent is valid and enforceable.

9. To the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '975 Patent complied with such requirements.

10. Defendant directly or through intermediaries, makes and/or uses the Spec's website, specsonline.com, shown in Exhibit B, which infringes the '929 Patent.

11. Upon information and belief, Defendant has been and is now infringing at least claims 19 and 20 of the '929 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, methods practiced by Defendant's website,

specsonline.com, covered by one or more claims of the '929 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '929 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '929 Patent pursuant to 35 U.S.C. § 271(a).

12. Defendant infringes claim 19 of the 29 Patent. For example, Defendant's website, [www.specsonline.com](http://www.specsonline.com), performs a method of delivering a document (*e.g.*, Defendant's website in conjunction with its webserver delivers a webpage in the form of HTML documents to a user upon receiving a user's HTML request). Defendant, in connection with its webserver created a document during a first time period (*e.g.*, at the time the webpage was authored/created) with associated rendering codes (*e.g.*, a webpage including HTML codes and JavaScript), delivering the document at a second time period upon request to a recipient (*e.g.*, Defendant's webserver delivers the webpage at a time subsequent to creation of the website upon receipt of a HTML request from a user for the website), and modifying the document at the second time period as part of delivering so as to update selected information contained within said document (*i.e.*, the webpage is modified based on the location of the IP address or GPS location of the requesting user such incorporating a map of the area surrounding the user's physical location and including an indicator of the location of the nearest Spec's store), the updating being based in part on the rendering codes (*e.g.*, HTML codes) and the modification is tailored to a location of the recipient (*e.g.*, the webpage is modified base on the recipient's location as determined by the location of the recipient's IP address or GPS location, as determined by Spec's webserver in response to a request to access the recipient's "current location,"), the document is created using an application program running on a PC (*e.g.*, a HTML document creator) and the rendering codes are incorporated into

the document under the control of the application program (*e.g.*, the HTML document creator incorporates the rendering codes into the HTML document). *See* Exhibit B Figs. 1-4.

13. Defendant infringes claim 20 of the '929 Patent by performing the method of claim 19 and furthermore, updating the information in the document by obtaining updated information from a source outside of the document, the location of the source being identified by one or more of the rendering codes (*e.g.*, the [www.specsonline.com](http://www.specsonline.com) website is updated with a list of stores and a link to each stores weekly advertisement from a source outside of the displayed webpage, *e.g.*, a different HTML document (*e.g.*, `--/Spec's/Entry/Index/?StoreID=2643211`) and the location of the source is identified by the HTML codes included in the document). *See* Exhibit B Figs. 1-4.

14. As a result of Defendant's infringement of the '929 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of Plaintiff's invention by Defendant, together with interest and costs as fixed by the Court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

15. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '929 Patent, Plaintiff will be greatly and irreparably harmed.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '929 Patent;
2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in

active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '929 Patent, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant to pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '929 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, 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.

DATED May 31, 2017.

Respectfully submitted,

By: /s/ Stevenson Moore

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**ATTORNEYS FOR PLAINTIFF**

**CDR PRINTING LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of May, 2017, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Stevenson Moore

Stevenson Moore