

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

GEOTAG INC.

Plaintiff,

v.

EYE CARE CENTERS OF AMERICA, INC.

Defendant.

Civil Action No. 2:11-CV-404

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

This is an action for patent infringement in which Plaintiff GeoTag Inc., (“GeoTag” or “Plaintiff”) makes the following allegations against Defendant Eye Care Centers of America, Inc., (“ECCA” or “Defendant”):

PARTIES

1. Plaintiff GeoTag Inc. is a Delaware corporation with a place of business in Plano, Texas.
2. On information and belief, Defendant ECCA is a Delaware corporation with its principle place of business at 11103 West Ave., San Antonio, Texas 78213. ECCA has appointed Capital Services, Inc., 1675 South State St., Ste. B, Dover, Delaware 19901 as its agent for service of process.

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). On information and belief, the 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 their substantial business in this forum, including related to the infringements alleged herein.

Further, on information and belief, Defendant has an interactive website(s) comprising infringing methods and apparatuses which are at least used in and/or accessible in this forum. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, Defendant is subject to personal jurisdiction in this district. On information and belief, the 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 their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Defendant has an interactive website(s) comprising infringing methods and apparatuses which are used in and/or accessible in this district. Further, on information and belief, Defendant is subject to the Court's general jurisdiction in this district, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in this district.

COUNT I – PATENT INFRINGEMENT

5. Plaintiff is the owner by assignment of United States Patent No. 5,930,474 (the "'474 Patent"), entitled "Internet Organizer for Accessing Geographically and Topically Based Information." The '474 Patent issued on July 29, 1999. A true and correct copy of the '474 Patent is attached hereto as Exhibit A.

6. The Claims of the '474 Patent cover, *inter alia*, systems and methods which comprise associating on-line information with geographical areas, such as systems and methods

comprising computers, an organizer, and a search engine configured to provide a geographical search area wherein at least one entry associated with a broader geographical area is dynamically replicated into at least one narrower geographical area, the search engine further configured to search topics within the selected geographical search area.

7. On information and belief, ECCA has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the member and/or profile search at www.ecca.com, www.ecca.com/careers, www.eyemasters.com, www.visionworkseyewear.com, www.visionworld.com, www.houreyes.com, www.steinoptical.com, www.drbitersvisionworld.com, www.drbitersvaluision.com, www.drvaluision.com, and www.eyedrx.com.

8. To the extent that facts learned during the pendency of this case show that Defendant's infringement is, or has been willful, GeoTag reserves the right to request such a finding at time of trial.

9. As a result of Defendant's infringing conduct, Defendant has damaged GeoTag. Defendant is liable to GeoTag in an amount that adequately compensates GeoTag for its infringement, which, by law, can be no less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, GeoTag respectfully requests that this Court enter:

1. A judgment in favor of GeoTag that Defendant has infringed the '474 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 '474 patent;

3. A judgment and order requiring Defendant to pay GeoTag its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '474 patent as provided under 35 U.S.C. § 284;

4. An award to GeoTag for enhanced damages as provided under 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to GeoTag its reasonable attorneys' fees; and

6. Any and all other relief to which GeoTag may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

Respectfully submitted,

Dated: September 13, 2011

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