

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FLASH SEATS, LLC,)	
)	
Plaintiff,)	C. A. No. _____
)	
v.)	
)	JURY TRIAL DEMANDED
PACIOLAN, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Flash Seats, LLC (“Flash Seats” or “Plaintiff”), by and through its attorneys, hereby demands a jury trial and complains of Defendant Paciolan, Inc. (“Paciolan” or “Defendant”) as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement resulting from Defendant’s unauthorized manufacture, use, sale, offer to sell and/or importation into the United States of products, methods, processes, services and/or systems, including Defendant’s “Ticket Marketplace,” that infringe one or more claims of United States Patent No. 6,496,809 (the “ ‘809 Patent”) entitled “Electronic Ticketing System and Method.” A copy of the ‘809 Patent is attached as Exhibit A.

THE PARTIES

2. Plaintiff Flash Seats is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 1500 West Third Street, Suite 500, Cleveland, OH 44113.

3. Plaintiff Flash Seats is the lawful assignee of all right, title and interest in and to the '809 Patent. The '809 Patent was lawfully issued on December 17, 2002 with Brett Nakfoor as the named inventor.

4. Upon information and belief, Defendant Paciolan is a corporation organized and existing under the laws of Delaware with a principal place of business at 5171 California Avenue, Suite 200, Irvine, CA 92617.

JURISDICTION AND VENUE

5. This is an action arising under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction pursuant to 35 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over Defendant because Defendant is a Delaware corporation with an agent for service of process in Delaware.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

COUNT I

(Patent Infringement of United States Patent No. 6,496,809)

8. Paragraphs 1 through 7 are incorporated by reference as if fully restated herein.

9. Defendant makes, uses, sells, offers to sell and/or imports into the United States products, services, methods or processes, including the Defendant's Ticket Marketplace, that infringe the '809 Patent directly and/or indirectly, under 35 U.S.C. §§ 271(a), (b) and (c).

10. Defendant has had actual and/or constructive notice and knowledge of the '809 Patent. The filing of this Complaint also constitutes notice in accordance with 35 U.S.C. § 287.

11. Defendant has been and continues infringing one or more of the claims of the '809 Patent through the aforesaid acts, and will continue to do so unless enjoined by this Court. Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and importing the patented inventions.

12. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

JURY DEMAND

Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendant as follows:

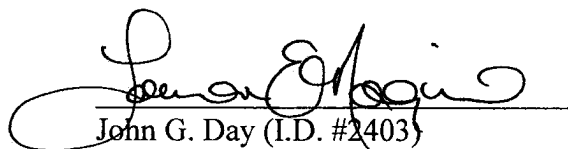
- (A) adjudging that the '809 Patent is valid and enforceable against the Defendant;
- (B) adjudging that the Defendant is infringing the '809 Patent;
- (C) ordering that the Defendant, its officers, directors, agents, servants, employees, attorneys, successors, licensees, and assigns, and all those persons in active concert or participation with any of them, be preliminarily and permanently enjoined from directly or indirectly infringing the '809 Patent;
- (D) ordering an accounting for damages resulting from Defendant's infringement of the '809 Patent;
- (E) awarding damages to compensate Plaintiff for Defendant's infringement, pursuant to 35 U.S.C. § 284, said damages to be no less than a reasonable royalty together with prejudgment interest and costs;

(F) awarding Plaintiff up to three times the amount of compensatory damages to the extent the Court finds Defendant's conduct to be willful infringement, and any enhanced damages provided by 35 U.S.C. § 284;

(G) determining that this case is "exceptional" and awarding Plaintiff its costs and reasonable attorneys' fees, as provided by 35 U.S.C. § 285; and

(H) granting Plaintiff such other and further relief as this Court deems just and proper.

ASHBY & GEDDES



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