

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2007 JUL 25 A 11:05

CLERK U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

APPLIED INTERACT, LLC

Plaintiff,

v.

CONTINENTAL AIRLINES, INC., and

MN AIRLINES LLC d/b/a SUN
COUNTRY AIRLINES

Defendants.

Civil Action No. 2:07cv341
HCM/TEM

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Applied Interact, LLC (“Applied Interact”), for its Complaint against defendants Continental Airlines, Inc. (“Continental”), and MN Airlines LLC d/b/a Sun Country Airlines (“Sun Country”) alleges, upon knowledge as to its own acts and upon information and belief as to the acts of others, as follows:

The Parties

1. Plaintiff Applied Interact is a limited liability company organized under the laws of the State of Delaware, having its principal place of business at 1 Meadow Lane, Woodcliff Lake, NJ 07677.

2. Defendant Continental is a corporation organized under the laws of the State of Delaware, having its principal place of business at 1600 Smith Street, Houston, TX 77002.

3. Defendant Sun Country is a limited liability company organized under the laws of the State of Minnesota having its principal place of business at 1300 Mendota Heights Road, Mendota Heights, MN 55120.

Jurisdiction and Venue

4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 271, 281, 283-285. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Continental and Sun Country provide airline services and maintain regular places of business at Washington Dulles International Airport which is within the Alexandria Division of the Eastern District of Virginia. Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b).

Background

6. On July 13, 1993, the United States Patent and Trademark Office issued United States Letters Patent No. 5,227,874 (“the ’874 patent”) for an invention entitled “Method for Measuring the Effectiveness of Stimuli on Decisions of Shoppers.” A copy of the ’874 patent is attached as Exhibit “A”.

7. On July 7, 1992, the United States Patent and Trademark Office issued United States Letters Patent No. 5,128,752 (“the ’752 patent”) for an

invention entitled “System and Method for Generating and Redeeming Tokens.” A copy of the ’752 patent is attached as Exhibit “B”.

8. On June 29, 1999, the United States Patent and Trademark Office issued United States Letters Patent No. 5,916,024 (“the ’024 patent”) for an invention entitled “System and Method of Playing Games and Rewarding Successful Players.” A copy of the ’024 patent is attached as Exhibit “C”.

9. On September 28, 1993, the United States Patent and Trademark Office issued United States Letters Patent No. 5,249,044 (“the ’044 patent”) for an invention entitled “Product Information Storage, Display, and Coupon Dispensing System.” A copy of the ’044 patent is attached as Exhibit “D”.

10. On April 16, 1996, the United States Patent and Trademark Office issued United States Letters Patent No. 5,508,731 (“the ’731 patent”) for an invention entitled “Generation of Enlarged Participatory Broadcast Audience.” A copy of the ’731 patent is attached as Exhibit “E”.

11. Applied Interact is the exclusive licensee of the ’874 patent and has the right to sublicense and enforce the ’874 patent.

12. Applied Interact is the exclusive licensee of the ’752 patent and has the right to sublicense and enforce the ’752 patent.

13. Applied Interact is the exclusive licensee of the ’024 patent and has the right to sublicense and enforce the ’024 patent.

14. Applied Interact is the exclusive licensee of the ’044 patent and has the right to sublicense and enforce the ’044 patent.

15. Applied Interact is the exclusive licensee of the '731 patent and has the right to sublicense and enforce the '731 patent.

COUNT I – INFRINGEMENT OF THE '874 PATENT

16. Continental has infringed and is infringing the '874 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '874 patent.

17. As a direct and proximate consequence of Continental's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

18. Sun Country has infringed and is infringing the '874 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '874 patent.

19. As a direct and proximate consequence of Sun Country's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF THE '752 PATENT

20. Continental has infringed and is infringing the '752 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '752 patent.

21. As a direct and proximate consequence of Continental's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

22. Sun Country has infringed and is infringing the '752 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '752 patent.

23. As a direct and proximate consequence of Sun Country's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF THE '024 PATENT

24. Continental has infringed and is infringing the '024 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '024 patent.

25. As a direct and proximate consequence of Continental's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

26. Sun Country has infringed and is infringing the '024 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '024 patent.

27. As a direct and proximate consequence of Sun Country's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

COUNT IV – INFRINGEMENT OF THE '044 PATENT

28. Continental has infringed and is infringing the '044 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '044 patent.

29. Continental has infringed and is infringing the '044 patent in this and other districts by its unlicensed use of transmitting and presenting flight information over the Internet and/or mobile telephones that is covered by one or more claims of the '044 patent.

30. As a direct and proximate consequence of Continental's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such

acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

31. Sun Country has infringed and is infringing the '044 patent in this and other districts by its unlicensed use of printing boarding passes over the Internet that is covered by one or more claims of the '044 patent.

32. Sun Country has infringed and is infringing the '044 patent in this and other districts by its unlicensed use of transmitting and presenting flight information over the Internet and/or mobile telephones that is covered by one or more claims of the '044 patent.

33. As a direct and proximate consequence of Sun Country's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

COUNT V – INFRINGEMENT OF THE '731 PATENT

34. Continental has infringed and is infringing the '731 patent in this and other districts by its unlicensed use of sweepstakes conducted over the Internet that are covered by one or more claims of the '731 patent.

35. As a direct and proximate consequence of Continental's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights,

and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

36. Sun Country has infringed and is infringing the '731 patent in this and other districts by its unlicensed use of sweepstakes conducted over the Internet that are covered by one or more claims of the '731 patent.

37. As a direct and proximate consequence of Sun Country's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

Prayer For Relief

WHEREFORE, Applied Interact prays for the entry of a judgment from this Court:

(a) Declaring that each of the '874, '752, '024, '044, and '731 patents was duly and legally issued, is valid, and is enforceable;

(b) Declaring that Continental has directly infringed, contributorily infringed, and/or induced the infringement of one or more claims of each of the '874, '752, '024, '044, and '731 patents;

(c) Declaring that Sun Country has directly infringed, contributorily infringed, and/or induced the infringement of one or more claims of each of the '874, '752, '024, '044, and '731 patents;

(d) Deeming this to be an “exceptional” case within the meaning of 35 U.S.C. § 285, entitling Applied Interact to an award of its reasonable attorney fees, expenses and costs in this action;

(e) Permanently enjoining Continental and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing further acts of infringement;

(f) Permanently enjoining Sun Country and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing further acts of infringement;

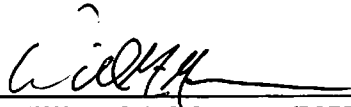
(g) Awarding Applied Interact damages in accordance with 35 U.S.C. § 284;

(h) Awarding Applied Interact its costs in connection with this action;
and

(i) Awarding Applied Interact such other and further relief as this Court may deem to be just and proper.

Respectfully Submitted,

July 25, 2007

By: 
William M. Merone (VSB#38861)
(wmerone@kenyon.com)
Paul T. Qualey
KENYON & KENYON LLP
1500 K Street, NW
Washington, DC 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201

John Flock
Richard S. Gresalfi
Rose Cordero
KENYON & KENYON LLP
One Broadway
New York, NY 10004-1007
Tel: (212) 425-7200
Fax: (212) 425-5288

*Counsel for Plaintiff
Applied Interact, LLC*