



3. Gillette, on information and belief, is a corporation organized under the laws of the State of Delaware. Gillette is doing business in Texas, and, on information and belief, has a principal place of business at Prudential Tower Building, Boston, MA, 02199-8004. Gillette may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.
4. Target, on information and belief, is a corporation organized under the laws of the State of Minnesota. Target is doing business in Texas, and, on information and belief, has a principal place of business at 1000 Nicollet Mall TPN 0945, Minneapolis, MN 55403. Target may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.

#### **JURISDICTION & VENUE**

5. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).
6. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

#### **PATENT INFRINGEMENT COUNT**

7. On November 22, 2005, United States Patent No. 6,967,563 (“the ‘563 patent”) entitled “Inventory Control System” was duly and legally issued. A true and correct copy of the ‘563 patent is attached as Exhibit A. The ‘563 patent is directed to inventory control systems that use radio frequency identification (“RFID”) apparatus or tags in conjunction with an interrogator/reader that generates a field of sufficient range to active each tag associated with each item of the inventory in communication with a computer.

8. Pursuant to 35 U.S.C. § 282, the above-listed United States Patent is presumed valid.
9. Ronald Bormaster is the inventor of the '563 patent.
10. On August 14, 2006, Ronald Bormaster assigned his entire interest in the '563 patent to RFID Tracker, Ltd., which is now the sole owner of the '563 patent.
11. Wal-Mart, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Wal-Mart has in the past and continues to infringe at least claim 1 of the '563 patent.
12. Gillette, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Gillette has in the past and continues to infringe at least claim 1 of the '563 patent.
13. Target, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Target has in the past and continues to infringe at least claim 1 of the '563 patent.
14. The Defendants' infringement of the '563 patent alleged above has injured RFID Tracker and thus, it is entitled to recover damages adequate to compensate for the Defendants' infringement, which in no event can be less than a reasonable royalty.

**DEMAND FOR JURY TRIAL**

15. RFID Tracker hereby demands a jury trial on all claims and issues triable of right by a jury.

**PRAYER FOR RELIEF**

Wherefore, RFID Tracker prays for entry of judgment:

- A. that Defendants, Wal-Mart, Gillette, and Target have infringed one or more claims of the '563 patent;

B. that Defendants, Wal-Mart, Gillette, and Target account for and pay to RFID Tracker all damages caused by the infringement of the '563 patent, which by statute can be no less than a reasonable royalty;

C. that RFID Tracker be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants, Wal-Mart, Gillette, and Target's infringement of the '563 patent;

D. that RFID Tracker be granted its attorneys' fees in this action;

E. that costs be awarded to RFID Tracker;

F. that RFID Tracker be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

Date: January 9, 2007

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 9, 2007. Any other counsel of record will be served by first class U.S. mail.

/s/ Edward W. Goldstein  
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