

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

LEON STAMBLER,

Plaintiff,

v.

NEIMAN MARCUS, INC. and THE  
NEIMAN MARCUS GROUP, INC.,

Defendants.

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CIVIL ACTION NO. 2:11cv363

**JURY TRIAL DEMANDED**

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff LEON STAMBLER files this Original Complaint against the above-named Defendants, alleging as follows:

**I. THE PARTIES**

1. Plaintiff LEON STAMBLER (“Stambler”) is an individual residing in Parkland, Florida.

2. Defendant NEIMAN MARCUS, INC. is a Delaware corporation with its principal place of business in Dallas, Texas. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant THE NEIMAN MARCUS GROUP, INC. is a Delaware corporation with its principal place of business in Dallas, Texas. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

## **II. JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of this action under Title 28 U.S.C. §1331 and §1338(a).

5. The Court has general and specific personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 or 1400(b). Each Defendant has substantial contacts with the forum as a result of pervasive business activities conducted within the State of Texas and within this District. Each Defendant regularly solicits business in Texas and in this District, and derives substantial revenue from products, systems, and/or services sold or provided to individuals or entities residing in Texas and in this District. Each Defendant provides secure online transaction services directly to customers in this District through its interactive websites. Through the provisions of such services, each Defendant has committed and continues to commit acts of patent infringement arising from transactions in the State of Texas and in this District.

## **III. PATENT INFRINGEMENT**

6. On August 10, 1999, United States Patent No. 5,936,541 (“the ‘541 patent”) was duly and legally issued for a “Method for Securing Information Relevant to a Transaction.” A true and correct copy of the ‘541 patent is attached hereto as Exhibit A.

7. Stambler is the inventor and owner of all rights, title, and interest in and to the ‘541 patent, and Stambler possesses all rights of recovery under it.

8. Defendants Neiman Marcus, Inc. and The Neiman Marcus Group, Inc. (“Neiman Marcus”) have infringed and continue to infringe claimed methods of the ‘541 patent. On information and belief, Neiman Marcus has been and now is directly infringing at least claim 20 of the ‘541 patent by securing information relevant to transactions (*e.g.*, online purchases)

initiated through interactive websites (*e.g.*, neimanmarcus.com, bergdorfgoodman.com, horchow.com, lastcall.com, cusp.com) using one or more secure cookies (*e.g.*, DYN\_USER\_CONFIRM, ABTEST\_COOKIE\_CONFIRM) and encrypting and/or encoding information relevant to the transactions.

9. Stambler has been damaged as a result of Defendants' infringing conduct. Defendants are, thus, liable to Stambler in an amount that adequately compensates him for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

#### **IV. JURY DEMAND**

Stambler hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

Stambler requests that the Court find in his favor and against Defendants, and that the Court grant Stambler the following relief:

- a. Judgment that one or more claims of United States Patent No. 5,936,541 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Stambler all damages to and costs incurred by Stambler because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringements be found to be willful from the time that Defendants became aware of the infringing nature of their respective products and services, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. That Stambler be granted pre-judgment and post judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;

- e. That the Court declare this an exceptional case and award Stambler his reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Stambler be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: August 17, 2011**

Respectfully submitted,

/s/ Brent N. Bumgardner  
Brent N. Bumgardner  
Texas State Bar No. 00795272  
Attorney-in-Charge  
Edward R. Nelson, III  
Texas State Bar No. 00797142  
Christie B. Lindsey  
Texas State Bar No. 24041918  
Ryan P. Griffin  
Texas State Bar No. 24053687  
NELSON BUMGARDNER CASTO, P.C.  
3131 West 7<sup>th</sup> Street, Suite 300  
Fort Worth, Texas 76107  
(817) 377-9111  
Fax (817) 377-3485  
bbumgardner@nbclaw.net  
enelson@nbclaw.net  
clindsey@nbclaw.net  
rgriffin@nbclaw.net

Eric M. Albritton  
Texas State Bar No. 00790215  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, TX 75606  
(903) 757-8449  
(903) 758-7397 (fax)  
ema@emafirm.com

T. John Ward, Jr.  
Texas State Bar No. 00794818  
WARD & SMITH LAW FIRM  
111 W. Tyler Street  
Longview, Texas 75601  
(903) 757-6400  
(903) 757-2323 (fax)  
jw@wsfirm.com

Ronald A. Dubner  
Texas State Bar No. 06149000  
Attorney and Mediator  
9555 Lebanon Road, Suite 602  
Frisco, Texas 75035  
(214) 432-8283  
(888) 501-3052 (fax)  
rondub@gte.net

**ATTORNEYS FOR PLAINTIFF  
LEON STAMBLER**