

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

SELECT RETRIEVAL, LLC,	§	
	§	
Plaintiff	§	
	§	
v.	§	Civil Action No. 11-cv-637
	§	
ALICE.COM, INC.; DISCOUNT OFFICE ITEMS,	§	<b>JURY TRIAL REQUESTED</b>
INC.; EVERYTHING2GO.COM, LLC; JOCKEY	§	
INTERNATIONAL, INC.; MASON	§	
COMPANIES, INC.; THE GUILD, INC.;	§	
NATIONAL BUSINESS FURNITURE, LLC;	§	
BELLACOR.COM, INC.; BLUESTEM BRANDS,	§	
INC.; CHRISTOPHER & BANKS, INC.;	§	
GANDER DIRECT MARKETING SERVICES,	§	
LLC; IDW, LLC; ROCKLER RETAIL GROUP,	§	
INC.,	§	
	§	
Defendants.	§	
	§	

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff Select Retrieval, LLC (“Select Retrieval” or “Plaintiff”), by way of Complaint against defendants Alice.com, Inc.; Discount Office Items, Inc.; Everything2go.com, LLC; Jockey International, Inc.; Mason Companies, Inc.; The Guild, Inc.; National Business Furniture, LLC; Bellacor.com, Inc.; Bluestem Brands, Inc.; Christopher & Banks, Inc.; Gander Direct Marketing Services, LLC; IDW, LLC; and Rockler Retail Group, Inc. (collectively “defendants”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.*

**THE PARTIES**

2. Plaintiff Select Retrieval is a limited liability company organized under the laws of Texas with its principal place of business at 777 Enterprise Drive, Hewitt, Texas 76643.

3. Defendant Alice.com, Inc. is a corporation organized under the laws of Wisconsin with its principal place of business at 8215 Greenway Blvd., Suite 340, Middleton, Wisconsin 53562-3686, and a registered agent for service of process at Mark J. McGuire, 8215 Greenway Blvd., Suite 340, Middleton, Wisconsin 53562-3686.

4. Defendant Discount Office Items, Inc. is a corporation organized under the laws of Wisconsin with its principal place of business at 302 Industrial Drive, Columbus, Wisconsin 53925-1018, and a registered agent for service of process at Timothy J. Horton, 302 Industrial Drive, Columbus, Wisconsin 53925-1018.

5. Defendant Everything2go.com, LLC is a limited liability company organized under the laws of Wisconsin with its principal place of business at 250 E. Wisconsin Avenue, Suite 925, Milwaukee, Wisconsin 53202-4205, and a registered agent for service of process at John McCormick, 250 E. Wisconsin Avenue, Suite 925, Milwaukee, Wisconsin 53202-4205.

6. Defendant Jockey International, Inc. is a corporation organized under the laws of Wisconsin with its principal place of business at 2300 60<sup>th</sup> Street, Kenosha, Wisconsin 53140, and a registered agent for service of process at Lexis Document Services, Inc., 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717-2915.

7. Defendant Mason Companies, Inc. is a corporation organized under the laws of Wisconsin with its principal place of business at 1251 1<sup>st</sup> Avenue, Chippewa Falls, Wisconsin 54729-1691, and a registered agent for service of process at Daniel J. Hunt, 1251 1<sup>st</sup> Avenue, Chippewa Falls, Wisconsin 54729-1691.

8. Defendant The Guild, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 931 E. Main Street, Suite 9, Madison, Wisconsin 53703-2956, and a registered agent for service of process at Toni Sikes, 931 E. Main Street, Suite 9, Madison, Wisconsin 53703-2956.

9. Defendant National Business Furniture, LLC is a limited liability company organized under the laws of Delaware with its principal place of business at 735 N. Water Street, Suite 400, Milwaukee, WI 53202, and a registered agent for service of process at Lawdock Inc., 411 East Wisconsin Avenue, Suite 2040, Milwaukee, Wisconsin 53202-4426.

10. Defendant Bellacor.com, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 2425 Enterprise Drive, Suite 900, St. Paul, Minnesota 55120-1172, and a registered agent for service of process at James Lawrence, 2425 Enterprise Drive, Suite 900, St. Paul, Minnesota 55120-1172.

11. Defendant Bluestem Brands, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 6509 Flying Cloud Drive, Eden Prairie, Minnesota 55344, and a registered agent for service of process at CT Corporation System, 100 South 5<sup>th</sup> Street, Suite 1075, Minneapolis, Minnesota 55402-1265.

12. Defendant Christopher & Banks, Inc. is a corporation organized under the laws of Minnesota with its principal place of business at 2400 Xenium Lane North, Plymouth, Minnesota 55441, and a registered agent for service of process at National Registered Agents, Inc., 901 South Whitney Way, Madison, Wisconsin 53711-2553.

13. Defendant Gander Direct Marketing Services, LLC is a limited liability company organized under the laws of Minnesota with its principal place of business at 180 East Fifth Street, Suite 1300, St. Paul, Minnesota 55101-1664, and a registered agent for service of process

at Gander Direct Marketing Services, LLC, 180 East Fifth Street, Suite 1300, St. Paul, Minnesota 55101-1664.

14. Defendant IDW, LLC is a limited liability company organized under the laws of Minnesota with its principal place of business at 18640 Lake Drive East, Chanhassen, Minnesota 55317-9383 and a registered agent for service of process at Christopher Penn, 18640 Lake Drive East, Chanhassen, Minnesota 55317-9383.

15. Defendant Rockler Retail Group, Inc. is a corporation organized under the laws of Minnesota with its principal place of business at 4365 Willow Drive, Medina, Minnesota 55340 and a registered agent for service of process at National Registered Agents, Inc., 901 South Whitney Way, Madison, Wisconsin 53711-2553.

#### **JURISDICTION AND VENUE**

16. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

17. Defendants directly or through intermediaries, make, use, distribute, offer for sale or license, and advertise their products and services on the Internet using methods and instrumentalities that infringe the patents-in-suit, as is alleged below. Defendants use, and/or direct, induce or instruct their agents, employees, customers, or contracting entities to use such infringing methods and instrumentalities, as is alleged below. On information and belief, defendants conduct business in this Judicial District and have committed acts of patent infringement in this Judicial District including, *inter alia*, importing, making, using, offering for sale, and/or selling products and services on the Internet using infringing methods and

instrumentalities in this Judicial District. On information and belief, defendants have contributed to infringement and/or have induced others to commit such acts of infringement in this Judicial District.

18. On information and belief, defendants have ongoing and systematic contacts with this Judicial District and the United States. Defendants have purposefully placed and/or used infringing methods and instrumentalities on the Internet to sell products and/or services, knowing and expecting that such products and/or services would be used and/or sold on the Internet through infringing methods and instrumentalities by customers in the State of Wisconsin, including in this Judicial District.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,128,617**

19. Select Retrieval repeats and re-alleges the allegations of paragraphs 1 through 19 as if fully set forth herein.

20. On October 3, 2000, United States Patent No. 6,128,617 (hereinafter referred to as the “‘617 Patent”), entitled DATA DISPLAY SOFTWARE WITH ACTIONS AND LINKS INTEGRATED WITH INFORMATION, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘617 Patent is attached as Exhibit A to this Complaint.

21. Select Retrieval is the assignee and owner of the right, title, and interest in and to the ‘617 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

22. Without license or authorization, defendants are and have been directly and indirectly infringing the ‘617 Patent, and contributing to and actively inducing the infringement of said patent by others, in the United States by making, using, selling, offering for sale or

license, advertising and/or importing in the United States, including within this judicial district, their products and services on the Internet using methods and instrumentalities that embody the inventions claimed in the '617 Patent. Such acts constitute infringement under at least 35 U.S.C. §§ 271(a), (b), and (c).

23. Defendants have had knowledge of and/or been aware of the '617 Patent since at least August 29, 2011, when, in a letter sent via first class mail, Select Retrieval informed Jockey International, Inc., Mason Companies, Inc., National Business Furniture, LLC, Christopher & Banks, Inc., Bluestem Brands, Inc., and Gander Direct Marketing Services, LLC of their infringement of the '617 Patent and requested that defendants license the '617 Patent to mitigate their continued infringement. Defendants Alice.com, Inc., Discount Office Items, Inc., Everything2go.com, LLC, The Guild, Inc., Bellacor.com, Inc., IDW, LLC, and Rockler Retail Group, Inc. have had knowledge of and/or been aware of the '617 Patent since at least August 19, 2011, when, in a letter sent via first class mail, Select Retrieval informed those defendants of their infringement of the '617 Patent and requested that they license the '617 Patent in order to mitigate their continued infringement.

24. On information and belief, defendants' infringement of the '617 Patent has been and continues to be willful and deliberate.

25. Select Retrieval has been damaged by defendants' infringing activities.

**JURY DEMAND**

26. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Select Retrieval demands a trial by jury on all issues triable as such.

**PRAYER FOR RELIEF**

WHEREFORE, Select Retrieval respectfully demands judgment for itself and against defendants as follows:

- A. An adjudication that defendants have infringed the '617 Patent;
- B. An award of damages to be paid by defendants adequate to compensate Select Retrieval for their past infringement of the '617 Patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and enhanced damages for any willful infringement as justified under 35 U.S.C. § 284 and, an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Select Retrieval of such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

Dated: September 15, 2011

By: /s/ Michael J. Modl  
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