

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

THE FRIDAY GROUP, LLC,

Plaintiff,

v.

TICKETMASTER, SUPERFLY EVENTS,
LLC, SUPERFLY PRODUCTIONS, LLC,
A.C. ENTERTAINMENT, INC., LIVE
NATION WORLDWIDE, INC.,
ULTRASTAR ENTERTAINMENT, LLC,
and MUSICTODAY, INC., a/k/a MUSIC
TODAY C D REPLICATION,

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT

The Friday Group, LLC (“Plaintiff”) files this Complaint against Ticketmaster, Superfly Events, LLC (“Superfly Events”), Superfly Productions, LLC (“Superfly Productions”), A.C. Entertainment, Inc. (“A.C.”), Live Nation Worldwide, Inc. (“Live Nation”), UltraStar Entertainment, LLC (“Ultrastar”), and Musictoday, Inc. (“Musictoday”) for infringement of United States Patent No. 6,920,428 (hereinafter “the ‘428 patent”).

JURISDICTION

1. This is an action for patent infringement under title 35 of the United States code. Plaintiff is seeking injunctive relief as well as damages.
2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.
3. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b).

4. Plaintiff is a Missouri limited liability company with its principal place of business at 8130 Brentwood Industrial Drive, Saint Louis, Missouri 63144.

5. Defendant Ticketmaster is a Delaware corporation with its principal place of business at 8800 W. Sunset Boulevard, West Hollywood, California 90069. Ticketmaster has engaged in the unlicensed practice of activities that infringe one or more claims of the '428 patent. Ticketmaster has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

6. Defendant Superfly Events is a Louisiana limited liability company with its principal place of business at 201 Saint Charles Avenue, Suite 4000, New Orleans, Louisiana 70170. Superfly Events has engaged in activities that infringe one or more claims of the '428 patent. Superfly Events has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

7. Defendant Superfly Productions is a Louisiana limited liability company with its principal place of business at 201 Saint Charles Avenue, Suite 4000, New Orleans, Louisiana 70170. Superfly Productions has engaged in activities that infringe one or more claims of the '428 patent. Superfly Productions has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

8. Defendant A.C. is a Tennessee corporation with its principal place of business at 505 Market Street, 7th Floor, Knoxville, Tennessee 37902. A.C. has engaged in activities that infringe one or more claims of the '428 patent. A.C. has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

9. Defendant Live Nation is a Delaware corporation with its principal place of business at 9348 Civic Center Drive, Beverly Hills, California 90210. Live Nation has engaged in activities that infringe one or more claims of the '428 patent. Live Nation has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

10. Defendant UltraStar is a Delaware limited liability company with its principal place of business at 45 Main Street, Suite 636, Brooklyn, New York 11201. UltraStar has engaged in activities that infringe one or more claims of the '428 patent. UltraStar has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

11. Defendant Musictoday is a Virginia corporation with its principal place of business at 5391 Three Notched Road, Crozet, Virginia 22932. Musictoday has engaged in activities that infringe one or more claims of the '428 patent. Musictoday has infringed and/or continues to infringe the '428 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

12. On information and belief, Defendants' activities that are alleged herein to infringe were and continue to be used and/or employed for Defendants' benefit in the Eastern District of Missouri.

13. This Court has personal jurisdiction over Defendants because Defendants have committed acts of infringement in this district; do business in this district; and/or have systematic and continuous contacts in this district.

INFRINGEMENT OF U.S. PATENT 6,920,428

14. Plaintiff incorporates paragraphs 1 through 13 herein by reference.

15. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271.

16. Plaintiff is the assignee of and owns all right, title and interest in and has standing to enforce and sue infringers of United States Patent No. 6,920,428 entitled “Method of Selling and Distributing Articles Associated with Live Events.”

17. The ‘428 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

18. On information and belief, Defendant Ticketmaster has infringed and/or continues to infringe the ‘428 patent by making, using, importing, offering for sale, and/or selling products and/or methods covered by one or more claims of the ‘428 patent and/or practicing all steps of one or more claims of the ‘428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the ‘428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, the Dave Matthews Band, The Police and The Who events.

19. On information and belief, Defendant Superfly Events has infringed and/or continues to infringe the ‘428 patent by making, using, importing, offering for sale, and/or selling products and/or methods covered by one or more claims of the ‘428 patent and/or practicing all steps of one or more claims of the ‘428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the ‘428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, the Bonnaroo Music and Arts Festival event.

20. On information and belief, Defendant Superfly Productions has infringed and/or continues to infringe the ‘428 patent by making, using, importing, offering for sale, and/or

selling products and/or methods covered by one or more claims of the '428 patent and/or practicing all steps of one or more claims of the '428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the '428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, the Bonnaroo Music and Arts Festival event.

21. On information and belief, Defendant A.C. has infringed and/or continues to infringe the '428 patent by making, using, importing, offering for sale, and/or selling products and/or methods covered by one or more claims of the '428 patent and/or practicing all steps of one or more claims of the '428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the '428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, the Bonnaroo Music and Arts Festival event.

22. On information and belief, Defendant Live Nation has infringed and/or continues to infringe the '428 patent by making, using, importing, offering for sale, and/or selling products and/or methods covered by one or more claims of the '428 patent and/or practicing all steps of one or more claims of the '428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the '428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, the Bonnaroo Music and Arts Festival, the Dave Matthews Band, The Police, The Who and The Rolling Stones events.

23. On information and belief, Defendant UltraStar has infringed and/or continues to infringe the '428 patent by making, using, importing, offering for sale, and/or selling products and/or methods covered by one or more claims of the '428 patent and/or practicing all steps of

one or more claims of the '428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the '428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, The Rolling Stones and The Who events.

24. On information and belief, Defendant Musictoday has infringed and/or continues to infringe the '428 patent by making, using, importing, offering for sale, and/or selling products and/or methods covered by one or more claims of the '428 patent and/or practicing all steps of one or more claims of the '428 patent directly and/or exercising direction or control over the practice of all steps of one or more claims of the '428 patent, including its actions related to its selling and distributing of articles associated with live events, for example, the Bonnaroo Music and Arts Festival event.

25. After a reasonable opportunity for further investigation and discovery Plaintiff is likely to have evidentiary support that Defendants perform all steps of one or more claims of the '428 patent and/or direct and/or control the performance of all steps of one or more claims of the '428 patent.

26. On information and belief, Defendants contributorily infringed and/or continue to contributorily infringe one or more claims of the '428 patent, pursuant to 35 U.S.C. § 271, in the United States, including in this judicial district.

27. On information and belief, Defendants have induced others to infringe and/or continue to induce others to infringe one or more claims of the '428 patent, pursuant to 35 U.S.C. § 271, in the United States, including in this judicial district.

28. Defendants' actions complained of herein will continue unless Defendants are enjoined by this Court.

29. On information and belief, Defendants' infringement is willful because Defendants have infringed in the past and/or presently continue to infringe the '428 patent as alleged herein with knowledge of the '428 patent.

30. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

31. Plaintiff has complied with 35 U.S.C. § 287.

32. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- A. Enter judgment for Plaintiff on this complaint;
- B. Enjoin Defendants, their agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendants who receive notice of the order from further infringement of United States Patent No. 6,920,428;
- C. Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- D. Treble the damages in accordance with the provisions of 35 U.S.C. § 284;
- E. Find the case to be exceptional under the provisions of 35. U.S.C. § 285;
- F. Award Plaintiff reasonable attorney fees under 35 U.S.C. § 285;
- G. Order the impounding and destruction of all Defendants' products that infringe the '428 Patent;
- H. Award Plaintiff interest and costs; and

I. Award Plaintiff such further relief to which the Courts finds Plaintiff entitled under law or equity.

Respectfully submitted,

/s/ Anthony G. Simon

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