

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GLOBAL PATENT HOLDINGS, LLC	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 00 C 4623
v.	)	
	)	
GREEN BAY PACKERS, INC.	)	<b>JURY TRIAL DEMANDED</b>
NAPLETON ELMHURST IMPORTS	)	
INC. D/B/A ED NAPLETON ACURA,	)	
ORBITZ WORLDWIDE, INC.,	)	Honorable Charles P. Kocoras
PEAPOD, LLC, OFFICEMAX INC.	)	Mag.-Judge Geraldine Brown
CATERPILLAR INC. and	)	
KRAFT FOODS INC.,	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT**

Plaintiff, Global Patent Holdings, LLC ("GPH"), complains of Defendants Green Bay Packers, Inc. ("the Packers"), Napleton Elmhurst Imports, Inc. d/b/a Ed Napleton Acura ("Napleton"), Orbitz Worldwide, Inc. ("Orbitz"), Peapod, LLC ("Peapod"), OfficeMax Inc. ("OfficeMax"), Caterpillar Inc. ("Caterpillar"), and Kraft Foods Inc. ("Kraft") as follows:

**PARTIES**

1. Global Patent Holdings, LLC is a Delaware limited liability company with offices at 500 Skokie Blvd. #350, Northbrook, Illinois 60062. It owns the full and exclusive right, title and interest in United States Patent No. 5,253,341 C1 entitled "Remote Query Communication System" issued October 12, 1993 (hereafter "the '341 patent"). After a seven year reexamination involving numerous additional prior art, the

reexamination certificate confirming the validity of the '341 patent issued on July 24, 2007 (Exhibit A).

2. Green Bay Packers, Inc. ("the Packers") is a Wisconsin corporation with offices at 1265 Lombardi Avenue, Green Bay, Wisconsin 54304.

3. Ed Napleton Elmhurst Imports, Inc. d/b/a Ed Napleton Acura ("Napleton") is an Illinois corporation with offices at 745 West Lake Street, Elmhurst, Illinois 60559.

4. Orbitz Worldwide, Inc. ("Orbitz") is a Delaware corporation that has its principal offices at 500 West Madison Street, Suite 1000, Chicago, Illinois 60661.

5. Peapod, LLC ("Peapod") is a Delaware corporation that has its principal offices at 9933 Woods Drive, Skokie, Illinois 60077.

6. OfficeMax Inc. ("OfficeMax") is a Delaware corporation that has its principal offices at 263 Shuman Boulevard, Naperville, Illinois 60563.

7. Caterpillar Inc. ("Caterpillar") is a Delaware corporation that has its principal offices at 100 North East Adams Street, Peoria, Illinois 61629.

8. Kraft Foods Inc. ("Kraft") is a Virginia corporation that has its principal offices at Three Lakes Drive, Northfield, Illinois 60093.

### **JURISDICTION AND VENUE**

9. This is a claim for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

10. Defendants transact business in this judicial district by advertising, promoting, offering to sell and selling products and services to customers located in this

judicial district and by conducting other business within this judicial district and elsewhere in the United States.

11. Venue is, therefore, proper in this district under 28 U.S.C. § 1391(c) and 28 U.S.C. § 1400(b).

### **PATENT INFRINGEMENT**

12. As set forth above, GPH owns and has standing to sue for infringement of United States Patent No. 5,253,341 C1.

13. Defendants have each infringed claim 17 of the '341 patent by downloading responsive data, including audio/visual and graphical presentations, such as JPEG images and/or other compressed data, on their web sites, whose home pages are all located on the Internet. The accused downloading utilizes a system employing both a server and an end user station, which have asymmetric processing power capacities. The accused method further involves compression and inverse decompression techniques (including rendering JPEG images) which require less processing power for decompression and are thus asymmetric.

14. Defendants have knowingly and intentionally induced others to infringe (such as their web site users in this judicial district and throughout the United States) by willfully and intentionally aiding, assisting and encouraging their infringement within the meaning of 35 U.S.C. § 271(b).

15. Defendants have also knowingly contributed to others' infringement within the meaning of 35 U.S.C. § 271(c).

16. GPH has complied with 35 U.S.C. § 287.

17. The Packers (like every other National Football League team) own and operate a web site that is used to transmit information concerning its football team over the Internet. The Packers do business in this district through the web site [www.packers.com](http://www.packers.com). The Packers also do business in Illinois on a systematic basis by participating in at least one football contest against the Chicago Bears every year.

18. Napleton is a car dealer located in this district and, like other car dealers, owns and operates various websites for the purpose of promoting, advertising, offering to sell and selling cars and other types of vehicles over the Internet. Napleton's websites include, inter alia, [www.ednapletonacura.com](http://www.ednapletonacura.com).

19. Orbitz owns and operates a web site, [www.orbitz.com](http://www.orbitz.com), for the purpose of promoting, advertising, offering to sell and selling its online travel services in this district and elsewhere in the United States. These travel services include providing a wide selection of low airfares, hotel rates, car rental rates and other travel-related deals at a single website.

20. Peapod owns and operates a website, [www.peapod.com](http://www.peapod.com), for the purpose of promoting, advertising, offering to sell and selling its interactive grocery shopping services in this district and elsewhere in the United States. These services include online grocery shopping and home delivery.

21. OfficeMax owns and operates a website, [www.officemax.com](http://www.officemax.com), for the purpose of promoting, advertising, offering to sell and selling its office products and business services in this district and elsewhere in the United States. OfficeMax also does business in this district and elsewhere in the United States through numerous retail stores, which also offer its office products and business services.

22. Caterpillar owns and operates a website, [www.cat.com](http://www.cat.com), for the purpose of promoting and advertising its machinery, engines and financial products in this district and elsewhere in the United States. Caterpillar owns and operates a second website, [www.shopcaterpillar.com](http://www.shopcaterpillar.com), for the purpose of promoting, advertising, offering to sell and selling its line of apparel and promotional products in this district and elsewhere in the United States.

23. Kraft owns and operates a website, [www.kraft.com](http://www.kraft.com), for the purpose of promoting and advertising its packaged foods and beverages in this district and elsewhere in the United States. Kraft products are sold in this district and elsewhere in the United States through local and national supermarket chains.

24. Defendants' infringement has injured GPH and it is entitled to recover damages, under the law, adequate to compensate it for the infringement that has occurred, but in no event less than a reasonable royalty.

25. The infringement by the defendants has injured and will continue to injure GPH, unless and until such infringement is enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, GPH, respectfully requests judgment against the defendants and their subsidiaries and affiliates as follows:

A. An award of damages adequate to compensate GPH for the infringement that has occurred, together with prejudgment interest from the date infringement of the '341 patent began;

B. Any other damages permitted by 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to GPH of its attorneys' fees as provided by 35 U.S.C. § 285;

D. An injunction permanently prohibiting the defendants, their customers and all persons in active concert or participation with them, from further acts of infringement of the '341 patent; and

E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

GPH demands a trial by jury.

GLOBAL PATENT HOLDINGS, LLC

Dated: October 23, 2007

/s/ Arthur A. Gasey  
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