

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

21 SRL,

Plaintiff,

v.

BORDERS GROUP, INC., BORDERS
DIRECT, LLC, EUROMARKET DESIGNS,
INC. d/b/a CRATE & BARREL, EXPRESS,
INC., EXPRESS, LLC, GOLFSMITH
INTERNATIONAL HOLDINGS, INC.,
GOLFSMITH INTERNATIONAL, INC. and
GOLFSMITH INTERNATIONAL, L.P.,

Defendants.

Civil Action No. 1:11-cv-0724

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff 21 srl complains of Defendants Borders Group, Inc., Borders Direct, LLC, Euromarket Designs, Inc. d/b/a Crate & Barrel, Express, Inc., Express, LLC, Golfsmith International Holdings, Inc., Golfsmith International, Inc. and Golfsmith International, L.P. as follows:

NATURE OF CASE

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES

2. 21 srl is an Italian corporation that has a principal place of business at Via B. Eustachi 22, 20129 Milan, Italy.

3. 21 srl owns and has standing to sue for infringement of United States Patent No. 7,778,993 B2 (the "993 patent"), entitled "Dynamic Taxonomy Process for Browsing and Retrieving Information in Large Heterogeneous Data Bases," which issued on August 17, 2010.

4. Borders Group, Inc. is a Michigan corporation with its principal place of business at 100 Phoenix Drive, Ann Arbor, Michigan, 48108.

5. Borders Direct, LLC is a Virginia limited liability company with its principal place of business at 100 Phoenix Drive, Ann Arbor, Michigan, 48108. Borders Direct, LLC is a subsidiary of Borders Group, Inc. (hereafter collectively "Borders").

6. Euromarket Designs, Inc. d/b/a Crate & Barrel ("Crate & Barrel") is an Illinois corporation with its principal place of business at 1250 Techny Road, Northbrook, Illinois, 60062. Euromarket Designs, Inc. is registered to do business in the State of Illinois under the assumed name "Crate & Barrel."

7. Express, Inc. is a Delaware corporation with its principal place of business at 1 Express Drive, Columbus, Ohio, 43230.

8. Express, LLC is a Delaware limited liability company with its principal place of business at 1 Express Drive, Columbus, Ohio, 43230. Express, LLC is a subsidiary of Express, Inc. (hereafter collectively "Express"). Express, LLC is registered to do business in the State of Illinois as Express, LLC.

9. Golfsmith International Holdings, Inc. is a Delaware corporation with its principal place of business at 11000 N. IH-35, Austin, Texas, 78753.

10. Golfsmith International, Inc. is a Delaware corporation with its principal place of business at 11000 N. IH-35, Austin, Texas, 78753. Golfsmith International, Inc. is a subsidiary of Golfsmith International Holdings, Inc.

11. Golfsmith International, L.P. is a Delaware limited partnership with its principal place of business at 11000 N. IH-35, Austin, Texas, 78753. Like Golfsmith International, Inc., Golfsmith International, L.P. is a subsidiary of Golfsmith International Holdings, Inc. (hereafter collectively "Golfsmith").

JURISDICTION AND VENUE

12. Borders owns, operates and/or and conducts business through the website www.borders.com, as well as through Borders retail stores located in this judicial district and throughout the United States. Borders is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, has established sufficient minimum contacts with the State of Illinois such that it should reasonably and fairly anticipate being haled into court in Illinois, and has purposefully reached out to residents of Illinois.

13. Crate & Barrel owns, operates and/or conducts business through the website www.crateandbarrel.com, as well as through Crate & Barrel retail stores located in this judicial district and throughout the United States. Crate & Barrel is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, has established sufficient minimum contacts with the State of Illinois such that it should reasonably and fairly anticipate being haled into court in Illinois, and has purposefully reached out to residents of Illinois.

14. Express owns, operates and/or and conducts business through the website www.express.com, as well as through Express retail stores located in this judicial district and throughout the United States. Express is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, has

established sufficient minimum contacts with the State of Illinois such that it should reasonably and fairly anticipate being haled into court in Illinois, and has purposefully reached out to residents of Illinois.

15. Golfsmith owns, operates and/or and conducts business through the website www.golfsmith.com, as well as through Golfsmith retail stores located in this judicial district and throughout the United States. Golfsmith is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, has established sufficient minimum contacts with the State of Illinois such that it should reasonably and fairly anticipate being haled into court in Illinois, and has purposefully reached out to residents of Illinois.

16. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

CLAIMS FOR PATENT INFRINGEMENT

17. Borders has infringed and continues to infringe at least claim 21 of the '993 patent by, among other activities, making, using and/or conducting business through the electronic commerce website www.borders.com in a manner which is covered by at least claim 21 of the '993 patent in the United States pursuant to 35 U.S.C. § 271(a).

18. Crate & Barrel has infringed and continues to infringe at least claim 21 of the '993 patent by, among other activities, making, using and/or conducting business through the electronic commerce website www.crateandbarrel.com in a manner which is covered by at least claim 21 of the '993 patent in the United States pursuant to 35 U.S.C. § 271(a).

19. Express has infringed and continues to infringe at least claim 21 of the '993 patent by, among other activities, making, using and/or conducting business through the electronic

commerce website www.express.com in a manner which is covered by at least claim 21 of the '993 patent in the United States pursuant to 35 U.S.C. § 271(a).

20. Golfsmith has infringed and continues to infringe at least claim 21 of the '993 patent by, among other activities, making, using and/or conducting business through the electronic commerce website www.golfsmith.com in a manner which is covered by at least claim 21 of the '993 patent in the United States pursuant to 35 U.S.C. § 271(a).

21. To the extent required by law, 21 srl has complied with the provisions of 35 U.S.C. § 287.

22. Defendants' direct infringement by manufacturing, using and/or conducting business through their respective websites has injured 21 srl and 21 srl is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

WHEREFORE, Plaintiff 21 srl respectfully asks this Court to enter judgment against Defendants Borders Group, Inc., Borders Direct, LLC, Euromarket Designs, Inc. d/b/a Crate & Barrel, Express, Inc., Express, LLC, Golfsmith International Holdings, Inc., Golfsmith International, Inc., Golfsmith International, L.P. and against each of their respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- a. The entry of judgment in favor of 21 srl and against Defendants;
- b. An award of damages as to all Defendants adequate to compensate 21 srl for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

c. A finding that this case is exceptional and an award to 21 srl of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285; and

d. Such other relief that 21 srl is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

21 srl demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

/s/ Brian E. Haan

Raymond P. Niro

Raymond P. Niro, Jr.

Brian E. Haan

Anna B. Folgers

NIRO, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, Illinois 60602 4515

Phone: (312) 236 0733

Fax: (312) 236 3137

miro@nshn.com; mirojr@nshn.com;

afolgers@nshn.com; bhaan@nshn.com

Attorneys for Plaintiff, 21 srl