

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Execware, LLC,

Plaintiff,

v.

PetSmart Store Support Group, Inc.; and  
PetSmart, Inc.,

Defendants.

Civil Action No.

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Execware, LLC (“Execware”) alleges as follows:

PARTIES

1. Execware is a limited liability company organized under the laws of the Commonwealth of Virginia, having its principal offices at 3440 S. Jefferson Street #1125, Falls Church, Virginia 22041.

2. Defendant PetSmart Store Support Group, Inc. (“PetSmart Store”) is a Delaware corporation with a principal place of business at 19601 North 27th Avenue, Phoenix, Arizona 85027. PetSmart has appointed The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

3. PetSmart, Inc. (“PetSmart, Inc.”) is a Delaware corporation with a principal place of business at 19601 North 27th Avenue, Phoenix, Arizona 85027. PetSmart, Inc. has appointed The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because PetSmart Store and PetSmart, Inc. (collectively, “PetSmart”) are subject to personal jurisdiction in this District, have committed acts of patent infringement in this District, or have a regular and established place of business in this District.

COUNT I  
(Infringement of U.S. Patent No. 6,216,139)

6. Execware is the owner by assignment of United States Patent No. 6,216,139 (“the ’139 patent”), entitled “Integrated Dialog Box for Rapidly Altering Presentation of Parametric Text Data Objects on a Computer Display.” The ’139 patent issued on April 10, 2001. A true and correct copy of the ’139 patent is attached hereto as Exhibit A.

7. On information and belief, PetSmart is directly infringing (literally and under the doctrine of equivalents) at least claim 1 of the ’139 patent in this District and throughout the United States by, among other things, making, using, selling, offering to sell, or importing a computer system to rapidly format and reformat tabular displays of records or text data objects, such as PetSmart’s product listings at [www.petsmart.com](http://www.petsmart.com). For example, in returning the search results for “dog bed,” shown below, PetSmart’s software initially sorts the selected text data objects and allows further sorting of the large amount of data.

**PETSMART**  
Happiness in store.™

Buy Online, Return In Store. Learn more

search petsmart.com SEARCH

CART 0 ITEMS

Sign in | Email sign-up | Help | Store Locator

Shop Now Services Adoptions myPetSmart PetPerks Puppy Center Local Ad Join us: f t YouTube

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**DOG**

**DOG BEDS**  
Accessories (6)  
Blankets & Throws (22)  
Cooling Beds (4)  
Cots & Outdoor Beds (11)  
Crate Mats & Pads (52)  
Designer Beds (4)  
Heated Beds (18)  
Orthopedic Beds (30)  
Personalized Beds (3)  
Traditional Beds (63)

**BRAND**  
Armakat (1)  
Bergan (1)  
Bret Michaels (1)  
Canine Cushion (4)  
DenHaus (2)  
more...

**DOG SIZE**  
Large Breed (150)  
Medium Breed (153)  
Medium Breed Large Breed (1)  
Small Breed (165)

**PRICE**  
\$5 - \$10 (1)  
\$10 - \$25 (23)  
\$25 - \$50 (38)  
\$50 - \$100 (77)  
\$100 - \$200 (49)  
\$200 - \$300 (3)  
\$300 and Above (1)

**SAVE 20%**  
Select Great Choice™ Dog Beds  
PetPerks® Membership required for discount in store. Shop now

**BEDS & THROWS**

**Sort Results**  
Sort by: Top Seller View: 48 per page  
Showing 1-48 of 192 products 1 2 3 4 View All

**Articles & Information**  
How to Measure for a Pet Bed  
How to Clean Your Dog's Bed  
View More Expert Information

**Bret Michaels Pets Rock™ Cuddler - Blk/Pink**  
Write a review  
Our Price: **\$49.99 to 79.99**  
Free Shipping on orders of \$49 or more!\*\*

**Grreat Choice® Terry Top Striped Yellow Dog Bed**  
Write a review  
Price: was ~~\$24.99~~  
**now: \$19.99**  
Sale  
Free Shipping on orders of \$49 or more!\*\*

**Martha Stewart Pets™ Pink Paw Print Bed**  
Write a review  
Price: was ~~\$29.99~~  
**now: \$23.99**  
In-store only  
Sale

8. As a result of PetSmart’s infringement of the ’139 patent, Execware has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless PetSmart’s infringing activities are enjoined by this Court.

9. Unless a permanent injunction is issued enjoining PetSmart and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the ’139 patent, Execware will suffer irreparable harm.

PRAYER FOR RELIEF

Execware prays for the following relief:

1. A judgment that PetSmart has infringed (either literally or under the doctrine of equivalents), directly or indirectly, one or more claims of the '139 patent;
2. A permanent injunction enjoining PetSmart and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the '139 patent;
3. An award of damages resulting from PetSmart's acts of infringement in accordance with 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Execware its reasonable attorneys' fees against PetSmart;
5. A judgment and order requiring PetSmart to provide an accounting and to pay supplemental damages to Execware, including without limitation, pre-judgment and post-judgment interest; and
6. Any and all other relief to which Execware may show itself to be entitled.

DEMAND FOR JURY TRIAL

Execware demands a trial by jury on all issues so triable.

Dated: May 2, 2012

BAYARD, P.A.

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