

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Execware, LLC,

Plaintiff,

v.

Dillard's, Inc.,

Defendant.

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 Dillard's, Inc. ("Dillard's") is a Delaware corporation with a principal place of business at 1600 Cantrell Road, Little Rock, Arkansas 72201. Dillard's has appointed The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

JURISDICTION AND VENUE

3. 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).

4. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because Defendant Dillard's subject to personal jurisdiction in this District, has committed acts

of patent infringement in this District, or has a regular and established place of business in this District.

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

5. 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.

6. On information and belief, Dillard’s 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 Dillard’s product listings at www.dillards.com. For example, in returning the search results for “necklace,” shown below, Dillard’s software initially sorts the selected text data objects and allows further sorting of the large amount of data.

SALE & CLEARANCE SHOP BY BRAND MY ACCOUNT DILLARD'S CARD WISH LIST SHOPPING BAG (0) \$0.00

Dillard's Dillard's Prom 2012
The Style of Your Life Style Guide >

All Categories
SEARCH

WOMEN JUNIORS SHOES HANDBAGS ACCESSORIES LINGERIE BEAUTY MEN
CHILDREN HOME

Accessories
You Searched For "necklace"

SHOP BY: CATEGORY: **JEWELRY** (423)

BRAND: AK ANNE KLEIN (5) ANNA & AVA (12) BCBGENERATION (6) BARSE (16) BETSEY JOHNSON (25) BETSEY JOHNSON (10) ICONIC (10) CAROLINE (17) CEZANNE (50) CEZANNE (50)

SIZE: ONE SIZE (10)

NEW AT DILLARD'S: RECENT ARRIVALS (16)

COLOR: BLACK (3) BROWN (2) GREY (21) IVORY (2) OTHER (13) PINK (5) PURPLE (4) YELLOW (21)

PRICE: UNDER \$50 (208) \$50 - \$100 (123) \$100 - \$150 (56) \$150 - \$200 (20) \$200 - \$300 (12) \$300 - \$500 (5) OVER \$500 (2)

Sort BY: Popular | Items: 1-48 of 423 | PAGE: 1 2 3 4 5 * LAST

Anna & Ava Floral Metal Statement Necklace \$55.00 BUY 2 & SAVE!	Dillard's Tailored Long Beaded Wrap Necklace \$38.00	Natalia Accessories All Around Crystal Color Necklace \$58.00	Dillard's Tailored Oval Chain Long Necklace \$38.00	Natalia Accessories Shaky Mini Palette Statement Necklace \$38.00	Betsey Johnson Hawaiian Luau Power Statement Necklace \$165.00
Cezanne Oval Stones Frontal Necklace \$48.00	Natalia Accessories Long & Layered Ball Chain Necklace \$38.00	Anna & Ava Beaded Statement Necklace \$98.00 BUY 2 & SAVE!	Natalia Accessories Power Ina Bib Statement Necklace \$28.00	Cezanne Crystal Bracelet & Earrings \$24.00-\$28.00	Anna & Ava Charlotte Pearl Statement Necklace \$68.00 (3 REVIEWS) BUY 2 & SAVE!
Cezanne Beaded Frontal Necklace \$28.00	Natalia Accessories Snake Chain Metal Necklace \$38.00	Natalia Accessories Dorian Long Chain Necklace \$28.00	Cezanne Crystal Scallop Statement Necklace \$58.00	Betsey Johnson Rio Fruit Frontal Statement Necklace \$48.00	Natalia Accessories Tires & Swag Chain Statement Necklace \$38.00
Betsey Johnson Rio Toucan Statement Necklace \$165.00	Eric Lyons Mediterranean Shaky Turquoise Frontal Necklace \$48.00	Dillard's Tailored Textured Bead Necklace \$16.00-\$24.00	Cezanne Austrian Crystal Necklace \$38.00	Cezanne Beaded Kendall Necklace \$38.00	Swarovski 'Gillian' Crystal Y-Necklace \$100.00

7. As a result of Dillard'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 Dillard's infringing activities are enjoined by this Court.

8. Unless a permanent injunction is issued enjoining Dillard's 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 Dillard's 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 Dillard's 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 Dillard'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 Dillard's;
5. A judgment and order requiring Dillard's 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.

Of Counsel:

Marc A. Fenster
Russ, August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025-1031
(310) 826-7474
mfenster@raklaw.com

/s/ Richard D. Kirk

Richard D. Kirk (rk0922)
Stephen B. Brauerman (sb4952)
Vanessa R. Tiradentes (vt5398)
222 Delaware Avenue, Suite 900
Wilmington, DE 19801
(302) 655-5000
rkirk@bayardlaw.com
sbraerman@bayardlaw.com
vtiradentes@bayardlaw.com

Attorneys for Plaintiff Execware, LLC