

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IDEATIVE PRODUCT VENTURES, INC., §

Plaintiff, §

VS. §

SEARS, ROEBUCK AND CO., INC., §

Defendant. §

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Civil Action No. 4:12-cv-277

JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Ideative Product Ventures, Inc. ("Ideative"), files this complaint against Defendant, Sears, Roebuck and Co., Inc. ("Sears").

I. INTRODUCTION

1. Ideative asserts Sears has infringed one or more claims of a United States Patent and therefore, seeks monetary damages and permanent injunctive relief.

II. THE PARTIES

2. Ideative is a corporation that is organized and exists pursuant to the laws of Texas. Ideative's principal place of business is in Carrollton, Denton County, Texas.

3. Sears is a corporation that is organized and exists pursuant to the laws of New York. Sears's principal place of business is in Hoffman Estates, Illinois.

III. JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the United States Patent Act, 35 U.S.C. §1, *et seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338.

5. This Court has general personal jurisdiction over Sears because it has maintained systematic and continuous business contacts with the State of Texas. Additionally, this Court has specific personal jurisdiction over Sears because it has committed acts of patent infringement in the State of Texas by offering for sale and selling products, including but not limited to its Alphaline digital fiber optic audio cable and Alphaline high-speed HDMI cable, that infringe one or more claims of two United States Patents owned by Ideative.

6. Sears engages in business in Texas and therefore, it has designated and has maintained a resident agent to receive service of process in the State of Texas. Thus, Sears may be served with process by delivering a true and correct copy of this petition, together with an original citation, to its agent, CT Corp. System, 350 N. Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234.

7. This Court is a proper venue for this case pursuant to 28 U.S.C. §1391 because Sears has committed acts of infringement in this District and Division.

IV. FACTS

8. On February 24, 2009, United States Patent Number 7,494,343 B2 (the “’343 Patent”) entitled “Multiple Degrees Of Freedom Connectors And Adapters” was duly issued to Ideative, as assignee of the inventor, Schriefer. A true and correct copy of the ‘343 Patent is attached to this complaint as Exhibit A.

10. Sears offers for sale and sells in Texas and throughout the world one or more devices, including its Alphaline digital fiber optic audio cable and Alphaline high-speed HDMI cable, that infringe one or more claims of the '343 Patent.

V. CAUSE OF ACTION

COUNT I

(Infringement of U.S. Patent No. 7,494,343 B2)

11. Ideative incorporates the allegations of paragraphs 1 through 10 as if fully reproduced herein.

12. The '343 Patent is valid and enforceable.

13. Ideative owns all right, title and interest in and to the '343 Patent.

14. Sears has infringed and continues to infringe one or more claims of the '343 Patent.

15. As a direct result of Sears's infringement, Ideative has incurred and will continue to incur damages, irreparable harm, and impairment of its patent rights.

16. Ideative is entitled to recover from Sears the damages sustained by Ideative as a result of Sears's wrongful acts in an amount to be proven at trial.

VI. PRAYER

For the foregoing reasons, Plaintiff, Ideative, requests that Defendant be cited to answer herein and that, upon hearing hereof, the Court award the following relief:

- a. Entering judgment in favor of Ideative;
- b. Awarding damages in an amount to be determined at trial;
- c. Enjoining the Defendant from any further infringement of Ideative's Patents;
- d. Awarding Ideative its costs incurred in connection with the prosecution of its claims; and
- e. Awarding Ideative any and all other relief to which it may be entitled.

Dated: May 8, 2012

Respectfully Submitted,

By: s/James E. Davis

JAMES E. DAVIS

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