

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

Eclipse IP LLC,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	Jury Trial Demanded
Dick’s Sporting Goods, Inc.,)	
)	
_____ Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Eclipse IP LLC ("Eclipse"), by counsel, complains of defendant Dick’s Sporting Goods, Inc. (“Dick’s”), as follows:

NATURE OF LAWSUIT

1. This is a suit for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES AND PATENTS

2. Eclipse is a company organized and existing under the laws of Florida and having a principal place of business address at 115 NW 17th Street, Delray Beach, Florida 33444.

3. Eclipse owns all right, title, and interest in and has standing to sue for infringement of United States Patent No. 7,479,899 (“the ‘899 patent”), entitled “Notification Systems and Methods Enabling a Response to Cause Connection Between a Notified PCD and a Delivery or Pickup Representative” (Exhibit A); United States Patent No. 7,876,239 (“the ‘239 patent”), entitled “Secure Notification Messaging Systems and Methods Using Authentication Indicia” (Exhibit B); United States Patent No. 7,319,414 (“the ‘414 patent”), entitled “Secure

Notification Messaging Systems and Methods Using Authentication Indicia" (Exhibit C); United States Patent No. 7,482,952 ("the '952 patent"), entitled "Response Systems and Methods for Notification Systems for Modifying Future Notifications" (Exhibit D); and United States Patent No. 7,119,716 ("the '716 patent"), entitled "Response Systems and Methods for Notification Systems for Modifying Future Notifications" (Exhibit E) (collectively, "the Eclipse Patents").

4. On information and belief, Dick's is a corporation organized and existing under the laws of Delaware and having a principal place of business address at 345 Court Street, Coraopolis, Pennsylvania 15108.

5. On information and belief, Dick's does regular business in this judicial district, and has committed acts of infringement in this judicial district.

JURISDICTION AND VENUE

6. This Court has personal jurisdiction over Dick's because Dick's is transacting continuous and systematic business within the State of Texas and this District; operating and/or supporting products or services that fall within one or more claims of Eclipse's patents in this District; and has committed the tort of patent infringement in this District.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(d) and 1400(b) because Dick's resides in this judicial district.

DEFENDANT'S ACTS OF PATENT INFRINGEMENT

8. Dick's has infringed one or more claims of the '899 patent through, among other activities: the use of its electronic order, purchase, and product return status messaging and information systems that include URL links; and providing the users or recipients of electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return.

9. Dick's has actively induced and/or contributed to the infringement by others of one or more claims of the '899 patent through, among other activities: by continuing to provide to customers the use of its electronic order, purchase, and product return status messaging and information systems that include URL links, after having received notice of its infringement of the '899 patent; and by continuing to provide to customers electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return, after having received notice of its infringement of the '899 patent.

10. Dick's has infringed one or more claims of the '239 patent through, among other activities: the use of its electronic order, purchase, and product return status messaging and information systems that include URL links; and providing the users or recipients of electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return.

11. Dick's has actively induced and/or contributed to the infringement by others of one or more claims of the '239 patent through, among other activities: by continuing to provide to customers the use of its electronic order, purchase, and product return status messaging and information systems that include URL links, after having received notice of its infringement of the '239 patent; and by continuing to provide to customers electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return, after having received notice of its infringement of the '239 patent.

12. Dick's has infringed one or more claims of the '414 patent through, among other activities: the use of its electronic order, purchase, and product return status messaging and

information systems that include URL links; and providing the users or recipients of electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return.

13. Dick's has actively induced and/or contributed to the infringement by others of one or more claims of the '414 patent through, among other activities: by continuing to provide to customers the use of its electronic order, purchase, and product return status messaging and information systems that include URL links, after having received notice of its infringement of the '414 patent; and by continuing to provide to customers electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return, after having received notice of its infringement of the '414 patent.

14. Dick's has infringed one or more claims of the '952 patent through, among other activities: the use of its electronic order, purchase, and product return status messaging and information systems that include URL links; and providing the users or recipients of electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return.

15. Dick's has actively induced and/or contributed to the infringement by others of one or more claims of the '952 patent through, among other activities: by continuing to provide to customers the use of its electronic order, purchase, and product return status messaging and information systems that include URL links, after having received notice of its infringement of the '952 patent; and by continuing to provide to customers electronic messages with authentication, modifications to future electronic messages, and additional information

associated with the status of a purchase or return, after having received notice of its infringement of the '952 patent.

16. Dick's has infringed one or more claims of the '716 patent through, among other activities: the use of its electronic order, purchase, and product return status messaging and information systems that include URL links; and providing the users or recipients of electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return.

17. Dick's has actively induced and/or contributed to the infringement by others of one or more claims of the '716 patent through, among other activities: by continuing to provide to customers the use of its electronic order, purchase, and product return status messaging and information systems that include URL links, after having received notice of its infringement of the '716 patent; and by continuing to provide to customers electronic messages with authentication, modifications to future electronic messages, and additional information associated with the status of a purchase or return, after having received notice of its infringement of the '716 patent.

18. Through direct, induced, and contributory infringement Dick's has injured Eclipse, and Eclipse is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Eclipse asks this Court to enter judgment against the defendant and against each of the defendant's respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

(a) An award of damages adequate to compensate Eclipse for the infringement that has occurred, together with prejudgment interest from the date infringement of the Eclipse Patents began;

(b) An award to Eclipse of all remedies available under 35 U.S.C. §§ 284 and 285; and,

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

JURY DEMAND

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

Date: May 17, 2012

Respectfully submitted,

/s/ Melissa R. Smith
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