

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Civil Action No. _____

SELECT RETRIEVAL, LLC,

Plaintiff,

v.

ILS HOLDINGS, LLC,

Defendant.

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff Select Retrieval, LLC (“Select Retrieval” or “Plaintiff”), by way of Complaint against Defendant ILS Holdings, LLC (“ILS Holdings” or “Defendant”), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.*

THE PARTIES

2. Plaintiff Select Retrieval is a limited liability company organized under the laws of Texas with its principal place of business at 8416 Old McGregor Road, Waco, Texas 76712.

3. Defendant ILS Holdings is a limited liability company organized under the laws of Florida with its principal place of business at 101 South State Road 7, Suite 201, Hollywood, Florida 33023.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject

matter of this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

5. This Court has personal jurisdiction over Defendant for at least the following reasons: (i) ILS Holdings is a Florida limited liability company; (ii) ILS Holdings maintains its principal place of business in this District; (iii) ILS Holdings has committed acts of patent infringement in this District and elsewhere in the United States; and (iv) ILS Holdings regularly does business or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from products and/or services provided to individuals in this District and in this State.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,128,617

6. Select Retrieval repeats and re-alleges the allegations of paragraphs 1 through 5 as if fully set forth herein.

7. On October 3, 2000, United States Patent No. 6,128,617 (hereinafter referred to as the “‘617 Patent”), entitled DATA DISPLAY SOFTWARE WITH ACTIONS AND LINKS INTEGRATED WITH INFORMATION, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘617 Patent is attached as Exhibit A to this Complaint.

8. Select Retrieval is the assignee and owner of all right, title, and interest in and to the ‘617 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

9. Defendant ILS Holdings is and has been directly infringing the ‘617 Patent in the United States at least by making and/or using one or more websites, including but not limited to, <http://www.thewatchery.com>, operated using a method and a computer readable medium that

embody the inventions claimed in the '617 Patent. The '617 Patent covers a method and/or system that enable search functions and data retrieval, including website features such as category and feature based product searches. Such data retrieval is achieved by increasingly refined searches that retrieve progressively detailed information about the products that ILS Holdings sells on its website. ILS Holdings' website provides the progressively refined search functionality utilizing infringing methods and/or systems so that its users and/or customers have the ability to select from a series of categories, options, and/or other product features such as, but not limited to, product and/or information type, price, color, brand, and size. Such acts constitute infringement under at least 35 U.S.C. § 271(a).

10. On September 14, 2011, Select Retrieval filed its First Amended Complaint in an action styled: *Select Retrieval, LLC v. Aqua Superstore, Inc., et al.*, Case No. 6:11-cv-1348, pending in the United States District Court for the Middle District of Florida ("the Original Action"). In the Original Action, Select Retrieval asserted claims against ILS Holdings for infringement of the '617 Patent related to ILS Holdings's use of products and services on the Internet using methods and instrumentalities that embody the inventions claimed in the '617 Patent. ILS Holdings has had actual knowledge of the '617 Patent since at least November 3, 2011, when ILS waived service of Select Retrieval's First Amended Complaint in the Original Action.

11. Upon information and belief, ILS Holdings's infringement of the '617 Patent since at least September 14, 2011, has been and continues to be willful and deliberate.

12. Select Retrieval has been damaged by ILS Holdings' infringing activities.

JURY DEMAND

13. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Select Retrieval

demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Select Retrieval respectfully demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '617 Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Select Retrieval for its past infringement of the '617 Patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and enhanced damages for any willful infringement as justified under 35 U.S.C. § 284 and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Select Retrieval of such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

Dated June 1, 2012.

By: /s Jeffrey D. Feldman

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