

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LENNON IMAGE TECHNOLOGIES, LLC,

Plaintiff,

v.

MATTEL, INC.,

Defendant.

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Civil Action No. _____

JURY TRIAL DEMANDED

**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT
AGAINST MATTEL, INC.**

Plaintiff Lennon Image Technologies, LLC (“LIT”) files this Complaint against Mattel, Inc. (“Defendant” or “Mattel”) and alleges as follows:

PARTIES

1. Plaintiff Lennon Image Technologies, LLC is a Texas Limited Liability Company with its principal place of business at 1910 East Southeast Loop 323, #244, Tyler, Texas 75701.

2. Upon information and believe, Defendant Mattel, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 333 Continental Boulevard, El Segundo, California 90245. Mattel may be served with process through its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

BACKGROUND

3. On information and belief, Defendant Mattel is in the business of manufacturing, designing, distributing, marketing, promoting and/or selling goods and/or services related to games, toys and accessories.

4. On information and belief, Defendant Mattel engages in electronic commerce conducted on and using at least, but not limited to, the website www.barbiethedreamcloset.com/.

5. On information and belief, Defendant owns, operates, and/or directs the operation of the website www.barbiethedreamcloset.com/, which has an apparatus for manipulating a customer image corresponding to a customer (“Virtual Fitting Interface”).

6. Defendant provides users with access to its website and provides users with the ability to download, upload, and/or install software required to operate its Virtual Fitting Interface.

7. Defendant directs users to operate its Virtual Fitting Interface, for example, by providing instructions on proper use and operation of the Virtual Fitting Interface.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

9. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Upon information and belief, Defendant is subject to this Court’s general and/or specific personal jurisdiction because it (a) is a resident of the State of Delaware; (b) has designated an agent for service of process in the State of Delaware; (c) has committed acts of

infringement in the State of Delaware as alleged below; and/or (d) is engaged in continuous and systematic activities in the State of Delaware.

11. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has a regular and established place of business in this district, and/or has transacted business in this district, and/or has committed, contributed to the commitment of, and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

12. On September 23, 2003, the United States Patent and Trademark Office issued United States Patent No. 6,624,843 (“the ‘843 Patent”) entitled “Customer Image Capture and Use Thereof in a Retailing System,” a true copy of which is attached as Exhibit A.

13. LIT is the owner by assignment of the ‘843 Patent and owns all right, title and interest in the ‘843 Patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘843 Patent.

CLAIM 1 – INFRINGEMENT OF U.S. PATENT NO. 6,624,843

14. Defendant has been and is now directly infringing one or more claims of the ‘843 Patent in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale or importing in the United States the computer implemented website www.barbiethedreamcloset.com/, which has an apparatus for manipulating a customer image corresponding to a customer.

15. In addition and/or in the alternative, Mattel has been and/or is now indirectly infringing one or more claims of the ‘843 Patent by inducement and/or contributory infringement and is continuing to engage in such indirect infringement in violation of 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c). Users of Mattel’s website and its Virtual Fitting Interface are direct

infringers of the '843 Patent through their use of the infringing instrumentalities. Mattel has induced and continues to induce users of its website and its Virtual Fitting Interface to directly infringe one or more claims of the '843 Patent. By providing its website, access to the Virtual Fitting Interface, and the necessary software to operate the same, Mattel contributes to the direct infringement by users of its website and its Virtual Fitting Interface.

16. As a direct and proximate consequence of the acts and practices of the Defendant in infringing, directly and/or indirectly, one or more claims of the '843 Patent, LIT has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

17. The limitation of damages provision of 35 U.S.C. § 287(a) is not applicable to LIT.

18. This case presents exceptional circumstances within the meaning of 35 U.S.C. § 285 and LIT is thus entitled to an award of its reasonable attorneys' fees.

DEMAND FOR JURY TRIAL

19. LIT, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Lennon Image Technologies, LLC requests entry of judgment that:

1. Defendant has infringed the patent-in-suit;
2. Defendant accounts for and pays to Plaintiff all damages caused by its infringement of the patent-in-suit;
3. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of one or more of Defendant's patent infringement;

4. The Court declare this an exceptional case and that Plaintiff be granted reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
5. Costs be awarded to Plaintiff; and
6. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: July 16, 2012

By: /s/ Kenneth L. Dorsney
Kenneth L. Dorsney (#3726)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
(302) 888-6800
kdorsney@morrisjames.com

ATTORNEYS FOR PLAINTIFF
LENNON IMAGE TECHNOLOGIES, LLC