

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

LENNON IMAGE TECHNOLOGIES, LLC,

Plaintiff,

v.

TISSOT USA, INC. and
THE SWATCH GROUP (U.S.) INC.,

Defendants.

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Civil Action No. _____

JURY TRIAL DEMANDED

**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT
AGAINST TISSOT USA, INC. AND THE SWATCH GROUP (U.S.) INC.**

Plaintiff Lennon Image Technologies, LLC (“LIT”) files this Complaint against Tissot USA, Inc. and The Swatch Group (U.S.) Inc. (“Defendants” or “Tissot”) 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 Tissot USA, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1200 Harbor Boulevard, Weehawken, New Jersey 07087. Upon information and believe, Defendant The Swatch Group (U.S.) Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 55 Metro Way, Suite 1, Secaucus, New Jersey 07094. Defendants Tissot may be served with process through their registered agent The Company Corporation 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

BACKGROUND

3. On information and belief, Defendants Tissot are in the business of designing, manufacturing, promoting and/or selling goods and/or services related to luxury watches and derive revenue from sales and distribution of its goods and/or services.

4. On information and belief, Defendants Tissot engage in electronic commerce conducted on and using at least, but not limited to, the websites www.tissot.ch and www.tissotshop.com.

5. On information and belief, Defendants have engaged in such business activities in this District and continue to engage in such activities in this District.

6. On information and belief, Defendants own, operate, and/or direct the operation of the websites www.tissot.ch and www.tissotshop.com, which have an apparatus for manipulating a customer image corresponding to a customer at www.tissot.ch/reality and, for example, <http://us.tissotshop.com/men/tissot-prc200-men-s-black-quartz-chronograph-classic-watch.html>, respectively (“Virtual Fitting Interface”).

7. Defendants provide users with access to their website and provide users with the ability to download, upload, and/or install software required to operate their Virtual Fitting Interface.

8. Defendants direct users to operate their Virtual Fitting Interface, for example, by providing instructions on proper use and operation of the Virtual Fitting Interface.

JURISDICTION AND VENUE

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

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

11. Upon information and belief, Defendants are subject to this Court's general and/or specific personal jurisdiction because they (a) are residents of the State of Delaware; (b) have designated an agent for service of process in the State of Delaware; (c) have committed acts of infringement in the State of Delaware as alleged below; and/or (d) are engaged in continuous and systematic activities in the State of Delaware.

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

THE PATENT-IN-SUIT

13. 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.

14. 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

15. Defendants have been and are 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 websites www.tissot.ch and www.tissotshop.com, which have an apparatus for manipulating a customer image corresponding

to a customer at www.tissot.ch/reality and, for example, <http://us.tissotshop.com/men/tissot-prc200-men-s-black-quartz-chronograph-classic-watch.html>, respectively.

16. In addition and/or in the alternative, Defendants Tissot have been and/or are now indirectly infringing one or more claims of the '843 Patent by inducement and/or contributory infringement and are 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 Tissots' websites and their Virtual Fitting Interface are direct infringers of the '843 Patent through their use of the infringing instrumentalities. Defendants Tissot have induced and continue to induce users of their websites and their Virtual Fitting Interface to directly infringe one or more claims of the '843 Patent. By providing their websites, access to the Virtual Fitting Interface, and the necessary software to operate the same, Defendants Tissot contribute to the direct infringement by users of its website and their Virtual Fitting Interface.

17. As a direct and proximate consequence of the acts and practices of the Defendants 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.

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

19. 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

20. 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. Defendants have infringed the patent-in-suit;
2. Defendants account for and pay to Plaintiff all damages caused by their 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 Defendants' 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
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**ATTORNEYS FOR PLAINTIFF
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