

JUDGE KOELTL

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ECF CASE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

APPLIED INTERACT, LLC

Plaintiff,

v.

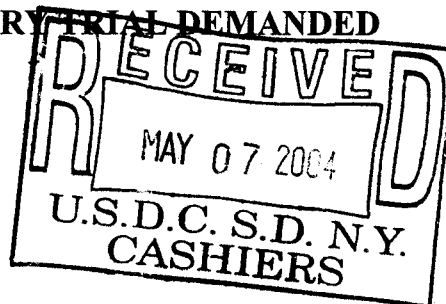
COTY US, LLC

Defendants.

04 CV 3506

Civil Action No. 04-CIV-_____

JURY TRIAL DEMANDED



COMPLAINT

Plaintiff Applied Interact, LLC (“Applied Interact”), for its Complaint of patent infringement against defendant Coty US, LLC (“Coty”), alleges, upon knowledge as to its own acts and upon information and belief as to the acts of others, as follows:

The Parties

1. Plaintiff Applied Interact is a limited liability company organized under the laws of Delaware.
2. Defendant Coty US, LLC is a limited liability company organized under the laws of the State of Delaware, having a place of business in New York, New York.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 271, 281, 283-285. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b).

Background

4. On April 16, 1996, the United States Patent and Trademark Office issued United States Letters Patent No. 5,508,731 (“the ‘731 patent”) for an invention entitled “Generation of Enlarged Participatory Broadcast Audience.” A copy of the ‘731 patent is attached as Exhibit “A”.

5. On February 3, 1998, the United States Patent and Trademark Office issued United States Letters Patent No. 5,713,795 (“the ‘795 patent”) for an invention entitled “System and Method of Communication with Authenticated Wagering Participation.” A copy of the ‘795 patent is attached as Exhibit “B”.

6. The ‘731 and ‘795 patents (“the sweepstakes patents”) are, among other things, directed to sweepstakes conducted over computer networks.

7. Applied Interact is the exclusive licensee of the sweepstakes patents and has the right to sublicense and enforce the sweepstakes patents.

8. Coty has infringed and is infringing the sweepstakes patents by its unlicensed use of sweepstakes conducted over the Internet that are covered by one or more claims of each of those patents.

9. Coty's infringement of the sweepstakes patents continued after it was given written notice of its infringement.

10. Coty's infringement of the sweepstakes patents has been and continues to be willful and deliberate.

11. As a direct and proximate consequence of Coty's acts and practices, Applied Interact has been, is being and, unless the Court enjoins such acts and practices, will continue to be injured in its business and property rights, and 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.

Prayer For Relief

WHEREFORE, Applied Interact prays for the entry of a judgment from this Court:

- (a) Declaring that each of the sweepstakes patents was duly and legally issued, is valid and is enforceable;
- (b) Declaring that Coty has directly infringed, contributorily infringed, and/or induced the infringement of one or more claims of each of the sweepstakes patents;
- (c) Declaring that Coty has willfully infringed one or more claims of the sweepstakes patents and that Applied Interact is entitled to treble damages;
- (d) Deeming this to be an "exceptional" case within the meaning of 35 U.S.C. § 285, entitling Applied Interact to an award of its reasonable

attorney fees, expenses and costs in this action;

(e) Permanently enjoining Coty and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing further acts of infringement;

(f) Awarding Applied Interact damages in accordance with 35 U.S.C. § 284;

(g) Awarding Applied Interact its costs in connection with this action; and

(h) Awarding Applied Interact such other and further relief as this Court may deem to be just and proper.

Respectfully Submitted,

KENYON & KENYON

May 6, 2004

By: 

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