

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRIMAS CORPORATION,)	
)	
Plaintiff,)	
v.)	C.A. No.
)	
WEBVENTION HOLDINGS LLC and)	JURY TRIAL DEMANDED
WEBVENTION LLC,)	
)	
Defendants.)	
)	

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff TriMas Corporation (“TriMas” or “Plaintiff”) for its declaratory judgment complaint against Defendants Webvention Holdings LLC and Webvention LLC (collectively, “Webvention” or “Defendants”) states as follows:

NATURE OF THE ACTION

This is a suit for declaratory judgment of non-infringement of U.S. Patent No. 5,251,294 (“the ‘294 Patent”).

THE PARTIES

1. TriMas is a corporation organized and existing under the laws of the State of Delaware.
2. Defendant Webvention Holdings LLC is a limited liability company organized and existing under the laws of the State of Delaware.
3. Defendant Webvention LLC is a wholly-owned subsidiary of Webvention Holdings LLC. Webvention LLC is a limited liability company organized and existing under the laws of the State of Texas.

4. Webvention LLC is the owner and assignee of the '294 Patent entitled "Accessing, assembling and using bodies of information," which issued on October 5, 1993. A copy of the '294 Patent is attached hereto as Exhibit A.

5. In the Certificate of Formation of Webvention LLC, Webvention Holdings LLC is listed as the sole manager of Webvention LLC.

6. On information and belief, Webvention Holdings LLC is the sole member of Webvention LLC.

7. On information and belief, Webvention Holdings LLC formed Webvention LLC for the sole purpose of acquiring the '294 Patent and Webvention LLC acts as the agent of Webvention Holdings LLC. Furthermore, Webvention LLC's activities are directed by Webvention Holdings LLC.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) since the claims herein involve issues arising under the United States Patent Act, 35 U.S.C. § 1, *et. seq.*.

9. Pursuant to the Federal Declaratory Judgments Act, 28 U.S.C. §§ 2201-2202, this Court may hear and determine the rights of the parties because there is an actual controversy within this Court's jurisdiction concerning the non-infringement of the '294 Patent.

10. Venue is proper in this Court under 28 U.S.C. §§1391(b) and (c).

11. Webvention Holdings LLC is a subject to personal jurisdiction by virtue of its status as a Delaware LLC. Upon information and belief, Webvention LLC is subject to personal jurisdiction in this Court because it is controlled by its parent company Webvention Holdings LLC.

FACTS

12. On September 3, 2010, Todd Schmidt of Webvention LLC sent a letter to Mr. David Wathen of TriMas alleging that certain aspects of the TriMas website infringe the '294 Patent. A copy of this letter is attached hereto as Exhibit B.

13. The letter attaches a claim chart which purports to show how the TriMas website "utilizes claims 28, 37 and 40 of the '294 Patent." The letter also alleges that TriMas' website "may" utilize claims 1-8, 12-21 and 78. Furthermore, the letter states that TriMas "should consider" claims 29, 31-33, 41-44, 47, 53, 55 and 64 of the '294 Patent.

14. In the letter, Webvention offers a license to the '294 Patent in exchange for a one-time, fully paid-up licensing fee of \$80,000. That offer to license expires in 45 days from the date of the letter.

15. The letter contains a "Notice" which states that "Webvention Licensing LLC reserves all rights with regard to the '294 patent, including: (1) the right to seek damages anytime within the last six years that your company started to make use of Webvention's patented technology..."

16. The letter also states that Webvention has retained The Davis Firm, P.C. to "assist the company in the licensing of the '294 patent."

17. On July 20, 2010, Webvention filed a lawsuit in the Eastern District of Texas against 19 companies alleging infringement of the '294 Patent. The case is styled *Webvention LLC v. Abercrombie & Fitch, Co., et al.*, C.A. No. 2:10-cv-253-TJW.

18. On October 5, 2010, Webvention filed another lawsuit in the Eastern District of Texas against 20 additional companies alleging infringement of the '294 Patent. The case is

styled *Webvention LLC v. Adidas America Inc., et al.*, C.A. No. 2:10-cv-410-TJW. In both Texas cases, The Davis Firm is counsel of record to Webvention.

19. As a result of the foregoing, an actual controversy exists between TriMas and Webvention concerning whether TriMas is infringing the '294 Patent. Furthermore, TriMas reasonably believes that there is a substantial controversy between TriMas and Webvention of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

COUNT I
Non-Infringement of the '294 Patent

20. The allegations in paragraphs 1-19 are incorporated as if fully set forth herein.

21. Webvention has alleged that TriMas' website infringes the '294 Patent and requested payment of a licensing fee.

22. TriMas' website does not infringe, directly or indirectly, any valid and enforceable claim of the '294 Patent.

23. As a result of the letter sent to TriMas and Webvention's litigation activities, TriMas reasonably believes that there is a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

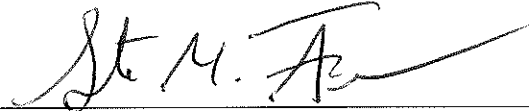
WHEREFORE, TriMas demands judgment as follows:

- A. An order declaring that TriMas does not infringe the '294 Patent;
- B. An order prohibiting Webvention from alleging infringement or instituting any legal action for infringement of the '294 Patent against TriMas or anyone acting in privity with TriMas;
- C. Awarding TriMas its costs and expenses, including attorneys' fees pursuant to 35 U.S.C. § 285; and

D. Awarding TriMas such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), TriMas hereby demands a trial by jury on all issues so triable herein.



Frederick L. Cottrell (#2555)
Cottrell@rlf.com
Kelly E. Farnan (#4395)
farnan@rlf.com
Stephen M. Ferguson (#5167)
ferguson@rlf.com
Richard, Layton & Finger, P.A.
One Rodney Square
920 N. King Street
Wilmington, DE 19801
(302) 651 -7700

*Attorneys for Plaintiff
TriMas Corporation*

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