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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

JUXTACOMM-TEXAS SOFTWARE, LLC,
a Texas Limited Liability Company,

Plaintiff,

v.

LANIER PARKING SYSTEMS OF FLORIDA, INC.,
a Georgia Corporation,
HIW-KC ORLANDO LLC,
a Delaware Limited Liability Company,
PARKWAY ORLANDO, LLC,
a Delaware Limited Liability Company,
SENDAR GARAGE WEST FORSYTH, LLC,
a Delaware Limited Liability Company,
CNL SP PLAZA PARTNERS, LLC,
a Delaware Limited Liability Company, and
CITY CENTER STF, LP,
a Florida Limited Partnership,

Defendants.

Civil Action No.:

6:11-cv-514-01-286JK

**PLAINTIFF JUXTACOMM-TEXAS SOFTWARE, LLC'S COMPLAINT FOR PATENT
INFRINGEMENT
DEMAND FOR JURY TRIAL
INJUNCTIVE RELIEF SOUGHT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff JuxtaComm-Texas Software, LLC files this Original Complaint for damages, injunctive relief, attorneys' fees, and costs against Defendants Lanier Parking

Systems of Florida, Inc., HIW-KC Orlando LLC, Parkway Orlando, LLC, Sendar Garage West Forsyth, LLC, CNL SP Plaza Partners, LLC, and City Center STF, LP. In support of its Original Complaint, JuxtaComm states as follows:

THE PARTIES

1. Plaintiff JuxtaComm-Texas Software, LLC (“JuxtaComm”) is a limited liability company duly organized and existing under the law of Texas, having its principal place of business in Tyler, Texas.

2. On information and belief, Defendant Lanier Parking Systems of Florida, Inc. (“Lanier of Florida”) is a Georgia corporation with a principal place of business at 233 Peachtree Street, NE, Suite 2600, Atlanta, GA 30303.

3. On information and belief, Defendant HIW-KC Orlando LLC (“HIW”) is a Delaware limited liability company with a principal place of business at 3100 Smoketree Court, Suite 600, Raleigh, North Carolina 27604-1050.

4. On information and belief, Defendant Parkway Orlando LLC (“Parkway”) is a Delaware limited liability company with a principal place of business at 188 E. Capitol Street, Suite 1000, Jackson, Mississippi 39201.

5. On information and belief, Defendant Sendar Garage West Forsyth, LLC (“Sendar”) is a Delaware limited liability company with a principal place of business at 29 Barstow Road, Suite 202, Great Neck, New York 11021.

6. On information and belief, Defendant CNL SP Plaza Partners, LLC (“CNL”) is a Delaware limited liability company with a principal place of business at 450 South Orange Avenue, Orlando, FL 32801-3336.

7. On information and belief, Defendant City Center STF, LP (“City Center”) is a Florida limited partnership with a principal place of business of 2600-1075 West Georgia Street, Vancouver, BC V6E3C9, Canada.

JURISDICTION

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

9. This Court has personal jurisdiction over the Defendants in that each of them has committed acts within Florida and this judicial district giving rise to this action and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over each of the Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

10. Each of the Defendants has committed acts within this judicial district giving rise to this action and does business in this district, including owning property and/or providing services to customers in this district.

11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

GENERAL ALLEGATIONS

12. On February 27, 2001, United States Patent No. 6,195,662 (“the ‘662 Patent”) was duly and legally issued for an invention entitled “System for Transforming and Exchanging Data between Distributed Heterogeneous Computer Systems.” A true and correct copy of the ‘662 Patent is attached hereto as Exhibit A.

13. JuxtaComm is the exclusive licensee of the ‘662 Patent and has the right to sue on and seek enforcement of the ‘662 Patent.

14. In general, the claims of the ‘662 Patent are directed to a system that manipulates and transforms data from one computer system so that it can be used by another computer system.

15. At all times relevant to this litigation, companies in the parking, access, and revenue control systems (PARCS) industry, including Defendant Lanier of Florida, have used technology protected by the ‘662 Patent.

16. In or around September, 2010, Plaintiff JuxtaComm retained non-party VPS Solutions, LLC (“VPS”) to discuss licensing the ‘662 Patent to companies in the (PARCS) industry.

17. By letter dated September 14, 2010, on behalf of Plaintiff JuxtaComm, non-party VPS wrote to Timothy J. Walsh, President of Defendant Lanier of Florida (the “September 14, 2010 letter”).

18. The September 14, 2010 letter provided a copy of the '662 Patent, invited a meeting between non-party VPS and Defendant Lanier of Florida, and offered to license the patent to Defendant Lanier of Florida.

19. By e-mail dated October 13, 2010, Mr. Walsh referred non-party VPS to Defendant Lanier of Florida's attorney (the "October 13, 2010 e-mail").

20. Shortly after the October 13, 2010 e-mail, Defendant Lanier of Florida, through its attorney, advised non-party VPS that Defendant Lanier of Florida would not be taking a license to the '662 Patent.

21. Defendant Lanier of Florida has been on notice of the '662 patent since at least the date it received the September 14, 2010 letter.

22. After being on notice of the '662 Patent, Defendant Lanier of Florida expanded its operations in Florida.

23. The expansion of Defendant Lanier of Florida's operations in Florida include additional use of the technology protected by the '662 patent.

24. On information and belief, Defendant Lanier of Florida operates parking facilities in the State of Florida including, without limitation, those identified in paragraphs 25 to 29, as well as those located at or near:

- a. 200 Biscayne Blvd, Miami, FL, owned by 200 S Biscayne TIC I LLC and 200 S Biscayne TIC II LLC;
- b. 2800 Ponce de Leon, Coral Gables, FL, owned by Regions Bank;

- c. 2333 Ponce de Leon, Coral Gables, FL, owned by Deka Immobilien Investment, GmbH
- d. 222 Lakeview Avenue, West Palm Beach, FL, owned by SPUSV5 Esperante LP;
- e. 401 Las Olas Blvd, Ft. Lauderdale, FL, owned by Stiles Corporation;
- f. 101 NE 3rd Avenue, Ft. Lauderdale, FL, owned by Michigan Third Ave Corp % Capozzoli Adv for Pensions; and
- g. 500 E. Broward Blvd, Ft. Lauderdale, FL 33394, owned by CTA Properties Ltd.

25. Upon information and belief, Defendant HIW owns parking facilities located at or near 315 East Robinson Street, Orlando, Florida.

26. Upon information and belief, Defendant Parkway Orlando owns parking facilities located at or near 255 South Orange Avenue, Orlando, Florida.

27. Upon information and belief, Defendant Sendar owns parking facilities located at or near 111 Julia Street, Jacksonville, Florida.

28. Upon information and belief, Defendant CNL owns parking facilities located at or near 150 2nd Avenue North, St. Petersburg, Florida.

29. Upon information and belief, Defendant City Center owns parking facilities located at or near 100 Second Avenue South, St. Petersburg, Florida.

FIRST CAUSE OF ACTION:

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

DEFENDANT LANIER OF FLORIDA

30. Paragraphs 1 through 29 are re-alleged and incorporated as if fully set forth herein.

31. Upon information and belief, Defendant Lanier of Florida has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

32. By way of example and without limitation, Defendant Lanier of Florida infringes at least claim 1 of the '662 Patent.

33. Systems made, used, sold, or offered for sale by Defendant Lanier of Florida that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Florida's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

34. On information and belief, Defendant Lanier of Florida's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities operated by Defendant Lanier of Florida throughout the Middle District of Florida, including in Orlando, Jacksonville, St. Petersburg, and Tampa, and throughout the State of Florida, including in Miami, Ft. Lauderdale, West Palm Beach, and Coral Gables.

35. Upon information and belief, Defendant Lanier of Florida has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

36. Defendant Lanier of Florida's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

37. Upon information and belief, Defendant Lanier of Florida's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

38. Upon information and belief, Defendant Lanier of Florida's acts of infringement have caused damage to Plaintiff JuxtaComm.

39. Plaintiff JuxtaComm is entitled to recover from Defendant Lanier of Florida the damages sustained by Plaintiff JuxtaComm as a result of Defendant Lanier of Florida's individual wrongful acts in an amount subject to proof at trial.

SECOND CAUSE OF ACTION:

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

DEFENDANT HIW

40. Paragraphs 1 through 29 are re-alleged and incorporated as if fully set forth herein.

41. Upon information and belief, Defendant HIW has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

42. By way of example and without limitation, Defendant HIW infringes at least claim 1 of the '662 Patent.

43. Systems made, used, sold, or offered for sale by Defendant HIW that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Florida's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

44. On information and belief, Defendant Lanier of Florida's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant HIW in the Middle District of Florida.

45. Upon information and belief, Defendant HIW has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

46. Defendant HIW's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

47. Upon information and belief, Defendant HIW's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm to increased damages

under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

48. Upon information and belief, Defendant HIW's acts of infringement have caused damage to Plaintiff JuxtaComm.

49. Plaintiff JuxtaComm is entitled to recover from Defendant HIW the damages sustained by Plaintiff JuxtaComm as a result of Defendant HIW's individual wrongful acts in an amount subject to proof at trial.

THIRD CAUSE OF ACTION:

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

DEFENDANT PARKWAY ORLANDO

50. Paragraphs 1 through 29 are re-alleged and incorporated as if fully set forth herein.

51. Upon information and belief, Defendant Parkway Orlando has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

52. By way of example and without limitation, Defendant Parkway Orlando infringes at least claim 1 of the '662 Patent.

53. Systems made, used, sold, or offered for sale by Defendant Parkway Orlando that infringe on at least one claim of the '662 patent include, by way of

example only and without limitation, Defendant Lanier of Florida's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

54. On information and belief, Defendant Lanier of Florida's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant Parkway Orlando in the Middle District of Florida.

55. Upon information and belief, Defendant Parkway Orlando has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

56. Defendant Parkway Orlando's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

57. Upon information and belief, Defendant Parkway Orlando's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

58. Upon information and belief, Defendant Parkway Orlando's acts of infringement have caused damage to Plaintiff JuxtaComm.

59. Plaintiff JuxtaComm is entitled to recover from Defendant Parkway Orlando the damages sustained by Plaintiff JuxtaComm as a result of Defendant Parkway Orlando's individual wrongful acts in an amount subject to proof at trial.

FOURTH CAUSE OF ACTION:

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

DEFENDANT SENDAR

60. Paragraphs 1 through 29 are re-alleged and incorporated as if fully set forth herein.

61. Upon information and belief, Defendant Sendar has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

62. By way of example and without limitation, Defendant Sendar infringes at least claim 1 of the '662 Patent.

63. Systems made, used, sold, or offered for sale by Defendant Sendar that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Florida's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

64. On information and belief, Defendant Lanier of Florida's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant Sendar in the Middle District of Florida.

65. Upon information and belief, Defendant Sendar has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

66. Defendant Sendar's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

67. Upon information and belief, Defendant Sendar's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

68. Upon information and belief, Defendant Sendar's acts of infringement have caused damage to Plaintiff JuxtaComm.

69. Plaintiff JuxtaComm is entitled to recover from Defendant Sendar the damages sustained by Plaintiff JuxtaComm as a result of Defendant Sendar's individual wrongful acts in an amount subject to proof at trial.

FIFTH CAUSE OF ACTION:

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

DEFENDANT CNL

70. Paragraphs 1 through 29 are re-alleged and incorporated as if fully set forth herein.

71. Upon information and belief, Defendant CNL has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

72. By way of example and without limitation, Defendant CNL infringes at least claim 1 of the '662 Patent.

73. Systems made, used, sold, or offered for sale by Defendant CNL that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Florida's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

74. On information and belief, Defendant Lanier of Florida's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant CNL in the Middle District of Florida.

75. Upon information and belief, Defendant CNL has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

76. Defendant CNL's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

77. Upon information and belief, Defendant CNL's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm to increased damages

under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

78. Upon information and belief, Defendant CNL's acts of infringement have caused damage to Plaintiff JuxtaComm.

79. Plaintiff JuxtaComm is entitled to recover from Defendant CNL the damages sustained by Plaintiff JuxtaComm as a result of Defendant CNL's individual wrongful acts in an amount subject to proof at trial.

SIXTH CAUSE OF ACTION:

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

DEFENDANT CITY CENTER

80. Paragraphs 1 through 29 are re-alleged and incorporated as if fully set forth herein.

81. Upon information and belief, Defendant City Center has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

82. By way of example and without limitation, Defendant City Center infringes at least claim 1 of the '662 Patent.

83. Systems made, used, sold, or offered for sale by Defendant City Center that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Florida's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

84. On information and belief, Defendant Lanier of Florida's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant City Center in the Middle District of Florida.

85. Upon information and belief, Defendant City Center has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

86. Defendant City Center's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

87. Upon information and belief, Defendant City Center's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

88. Upon information and belief, Defendant City Center's acts of infringement have caused damage to Plaintiff JuxtaComm.

89. Plaintiff JuxtaComm is entitled to recover from Defendant City Center the damages sustained by Plaintiff JuxtaComm as a result of Defendant City Center's individual wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JuxtaComm prays for judgment and seeks relief against each of the Defendants as follows:

- (a) For Judgment that the '662 Patent has been and continues to be infringed by each Defendant;
- (b) For an accounting of all damages sustained by JuxtaComm as a result of the acts of infringement by each Defendant;
- (c) For preliminary and permanent injunctions enjoining each Defendant, their officers, agents, servants, employees, subsidiaries and attorneys, those persons acting in concert with them, including related individuals and entities, customers, representatives, dealers, and distributors from directly or indirectly infringing the '662 patent;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff JuxtaComm demands a jury trial.

Dated this 31st day of March 2011



R. LAURENCE MACON, TRIAL COUNSEL

Texas Bar. No 12787500

lmacon@akingump.com

KIRT S. O'NEILL

Texas Bar No. 00788147

koneill@akingump.com

MELANIE G. COWART

Texas Bar No. 04920100

mcowart@akingump.com

CASSANDRA D. GARZA

Texas Bar No. 24074258

cgarza@akingump.com

AKIN GUMP STRAUSS HAUER & FELD LLP

300 Convent Street, Suite 1600

San Antonio, Texas 78205-3732

Telephone: (210) 281-7000

Fax: (210) 224-2035

KELLY G. SWARTZ

FL Bar No.: 0057563

Kelly@IngenuityLaw.com

INGENUITY LAW, P.A.

6767 N. Wickham Road, Suite 400

Melbourne, FL 32940

Telephone: (321)216-3949

Fax: (321)574-4194

ATTORNEYS FOR PLAINTIFF

JUXTACOMM-TEXAS SOFTWARE, LLC