

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

T-REX PROPERTY AB,

Plaintiff,

v.

CLEAR CHANNEL OUTDOOR
HOLDINGS, INC.,

Defendant.

CIVIL ACTION NO. 2:12-cv-00347-JRG-RSP

JURY TRIAL DEMANDED

PLAINTIFF'S AMENDED ORIGINAL COMPLAINT

Plaintiff T-Rex Property AB (hereinafter, "T-Rex" or "Plaintiff") by and through its undersigned counsel, files this Amended Original Complaint against Defendant Clear Channel Outdoor Holdings, Inc. (hereinafter, "Clear Channel" or "Defendant") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. RE39,470 (hereinafter, the "'470 patent"), entitled "Digital Information System." A copy of the '470 patent is attached hereto as Exhibit A. T-Rex Property AB is the assignee of the '470 patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff T-Rex is a limited liability company organized and existing under the laws of Sweden with its principal place of business at Vårvägen 6, 18273 Stocksund, Sweden. T-Rex is the assignee of all title and interest of the '470 patent. Plaintiff possesses the entire right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant Clear Channel is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 200 East Basse Road, San Antonio, Texas 78209.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over the Defendant because the Defendant has minimum contacts within the State of Texas, and the Eastern District of Texas; the Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; the Defendant has sought protection and benefit from the laws of the State of Texas; the Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and, Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

6. More specifically, the Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises its products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, the Defendant has committed patent infringement in the State of Texas and in the Eastern District of Texas, has contributed to patent infringement in the State of Texas and in the Eastern District of Texas and/or has induced others to commit patent infringement in the State of Texas and in the Eastern District of Texas. The Defendant solicits customers in the State of Texas and in the Eastern District of Texas. The Defendant has many paying customers who are residents of the

State of Texas and the Eastern District of Texas and who each use the Defendant's products and services in the State of Texas and in the Eastern District of Texas.

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

8. United States Patent No. RE39,470, entitled "Digital Information System" was duly and legally issued by the United States Patent and Trademark Office on January 16, 2007 after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the '470 patent and possesses all rights of recovery under the '470 patent including the right to sue for infringement and recover past damages.

9. Upon information and belief, on or about November 2006, Clear Channel became aware of the '470 patent.

10. Upon information and belief, Clear Channel has infringed and continues to infringe one or more claims of the '470 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, digital display boards that operate on a digital information system which is dynamically controlled in real time and includes an external information mediator, such as the digital display billboards utilized in their Digital Outdoor Network.

11. Upon information and belief, Clear Channel has also contributed to the infringement of one or more claims of the '470 patent and/or actively induced others to infringe one or more claims of the '470 patent, in this district and elsewhere in the United States.

12. Clear Channel's aforesaid activities have been without authority and/or license from Plaintiffs.

13. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 3 U.S.C. § 284.

14. Defendant's infringement of Plaintiff's exclusive rights under the '470 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

15. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

16. Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '470 patent has been infringed, either literally and/or under the doctrine of equivalents, by the Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- C. An award to Plaintiff of enhanced damages pursuant to 35 U.S.C. § 284;

- D. That Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of their actions, which is on or about November 2006, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '470 patent;
- F. That this Court declare this to be an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- G. Any further relief that this Court deem just and proper.

Dated: July 25, 2012

Respectfully submitted,

By: /s/ Melissa R. Smith
Melissa R. Smith
Texas Bar No. 24001351
Gillam & Smith, LLP
303 S. Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
melissa@gillamsmithlaw.com

Of Counsel:

Jacqueline Knapp Burt
GA Bar No. 425322
Dara T. Jeffries
GA Bar No. 916167
HENINGER GARRISON DAVIS, LLC

