

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

QUEST NETTECH CORPORATION,

Plaintiff,

-against-

VALASSIS COMMUNICATIONS INC.,  
BONNIER CORPORATION, CITRUS  
WORLD INC., and TROPICAL SMOOTHIE  
FRANCHISE DEVELOPMENT  
CORPORATION.

Defendants.

Civil Action No. 8:11-cv-2102  
ECF Case

**AMENDED COMPLAINT  
(JURY TRIAL DEMANDED)**

Plaintiff Quest NetTech Corporation. (“Quest”), by its attorneys Fowler White Boggs P.A. and Winston and Strawn LLP, as and for its Amended Complaint against Defendants Valassis Communications Inc. (“Valassis”), Bonnier Corporation (“Bonnier”), Citrus World Inc. (“Citrus World”) and Tropical Smoothie Franchise Development Corporation (“Tropical Smoothie”) (collectively “Defendants”) alleges as follows:

**THE PARTIES**

1. Plaintiff Quest is a Texas corporation with its principal place of business located at 19 Fortune Lane, Jericho, NY 11753.

2. Defendant Valassis is a Delaware Corporation with its principal place of business located at Livonia, Michigan. Valassis operates branch offices in Orlando and Miami, Florida, and operates sales offices in Sunrise and Tampa, Florida.

3. Defendant Bonnier is a Florida Corporation with its principal place of business located at 460 North Orlando Avenue, Suite 200, Winter Park, Florida, 32789.

4. Defendant Citrus World is a Florida Corporation with its principal place of business located at 20205 Highway 27, Lake Wales, Florida, 33853-3025.

5. Defendant Tropical Smoothie is a Florida Corporation with its principal place of business located at 12598 U.S. Highway 98, Suite 200, Destin, Florida, 32550.

### **JURISDICTION AND VENUE**

6. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over the Defendants because, all of the Defendants are either Florida Corporations or transact significant business within this judicial district and throughout other parts of Florida, and because Defendants have committed acts of infringement of Quest's patents in this State and within this District.

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

### **COUNT I**

**(Infringement Of U.S. Patent No. 5,508,731 C1)**

9. Quest realleges and incorporates by reference paragraphs 1-8 of this Amended Complaint as if fully set forth herein.

10. Quest is the sole and exclusive owner by assignment of United States Patent No. 5,508,731 C1 to Henry Von Kohorn entitled "GENERATION OF ENLARGED PARTICIPATORY BROADCAST AUDIENCE" (the "'731 patent"). The '731 patent was duly and legally issued by the United States Patent and Trademark Office on October 7, 2008. A true and correct copy of the '731 patent is attached hereto as Exhibit A.

11. Defendant Valassis has been and now is directly infringing or indirectly infringing by way of inducing infringement and/or contributing to the infringement of one or more claims of the '731 patent in the State of Florida, in this District, and elsewhere in the United States by, among other thing, operating websites (e.g., <http://www.redplum.com>) (Exhibit B) covered by one or more claims of the '731 patent to the injury of Quest.

12. Users of the website <http://www.redplum.com> directly infringe one or more claims of the '731 patent. For example, users of the website <http://www.redplum.com> directly infringe claim 92 of the '731 patent by putting into service, controlling and obtaining the benefit of their personal computers and the website to respond to survey questions, which responses are transmitted via the Internet and evaluated with respect to an online sweepstakes, in which the sweepstakes winner is selected at random and notified.

13. Defendant Valassis infringes one or more claims of the '731 patent, indirectly. For example, Defendant Valassis indirectly infringes claim 92 of the '731 patent by inducing and/or contributing to direct infringement of users of the website <http://www.redplum.com>. Defendant Valassis operates the online sweepstakes at <http://www.redplum.com> with knowledge of the '731 patent, at least after being informed about the '731 patent by Quest, knowing that said sweepstakes forms a component of one or more inventions claimed in the '731 patent, instructing users in the operation of said sweepstakes and encouraging users to use the website with specific intent of inducing the users to put the website into use, benefitting the users, and infringing at least claim 92 of the '731 patent, with said sweepstakes having no substantial non-infringing use.

14. Defendant Valassis is liable for infringement of one or more claims of the '731 patent pursuant to 35 U.S.C. § 271, either literally or under the Doctrine of Equivalents.

15. Defendant Bonnier has been and now is directly infringing or indirectly infringing by way of inducing infringement and/or contributing to the infringement of one or more claims of the '731 patent in the State of Florida, in this District, and elsewhere in the United States by, among other things, operating websites (e.g., <http://www.floridatravellife.com>) (Exhibit C) covered by one or more claims of the '731 patent to the injury of Quest.

16. Users of the website <http://www.floridatravellife.com> directly infringe one or more claims of the '731 patent. For example, users of the website <http://www.floridatravellife.com> directly infringe claim 92 of the '731 patent by putting into service, controlling and/or obtaining the benefit of their personal computers and the website to respond to survey questions, which

responses are transmitted via the Internet and evaluated with respect to an online sweepstakes, in which the sweepstakes winner is selected at random and notified.

17. Defendant Bonnier indirectly infringes one or more claims of the '731 patent. For example, Defendant Bonnier is an indirect infringer of claim 92 by inducing and/or contributing to the direct infringement of end users by at least operating the online sweepstakes at <http://www.floridatravellife.com> with knowledge of the '731 patent, at least after being informed about the '731 patent by Quest, and knowing that said sweepstakes forms a component of one or more inventions claimed in the '731 patent, instructing users in the operation of said sweepstakes and encouraging users to use it with the specific intent of inducing the users to directly infringe the '731 patent, said sweepstakes having no substantial non-infringing use.

18. Defendant Bonnier is thus liable for infringement of one or more claims of the '731 patent pursuant to 35 U.S.C. § 271 either literally or under the Doctrine of Equivalents.

19. Defendant Citrus World has been and now is directly infringing or indirectly infringing by way of inducing infringement and/or contributing to the infringement of one or more claims of the '731 patent in the State of Florida, in this District, and elsewhere in the United States by, among other thing, operating websites (*e.g.*, <http://www.facebook.com/#!/FloridasNatural>) (Exhibit D) directly or indirectly infringing of both directly and indirectly infringing one or more claims of the '731 patent to the injury of Quest.

20. Users of the website <http://www.facebook.com/#!/FloridasNatural> directly infringe one or more claims of the '731 patent. For example, users of the website <http://www.facebook.com/#!/FloridasNatural> directly infringe claim 92 of the '731 patent by putting into service, controlling and/or obtaining the benefit of their personal computers and the website to respond to survey questions, which responses are transmitted via the Internet and evaluated with respect to an online sweepstakes, in which the sweepstakes winner is selected at random and notified.

21. Defendant Citrus World indirectly infringes one or more claims of the '731 patent. For example, Defendant Citrus World is an indirect infringer of claim 92 by inducing and/or contributing to the direct infringement of these users by at least operating the online sweepstakes at <http://www.facebook.com/#!/FloridasNatural> with knowledge of the '731 patent, at least after being informed about the '731 patent by Quest, and knowing that said sweepstakes forms a component of one or more inventions claimed in the '731 patent, instructing users in the operation of said sweepstakes and encouraging users to use it with the specific intent of inducing the users to directly infringe the '731 patent, said sweepstakes having no substantial non-infringing use.

22. Defendant Citrus World is thus liable for infringement of one or more claims of the '731 patent pursuant to 35 U.S.C. § 271, either literally or under the Doctrine of Equivalents.

23. Defendant Tropical Smoothie has been and now is directly infringing or indirectly infringing by way of inducing infringement and/or contributing to the infringement of one or more claims of the '731 patent in the State of Florida, in this District, and elsewhere in the

United States by, among other thing, operating websites (*e.g.*, <http://www.summerofwinter.com>) (Exhibit E) covered by one or more claims of the '731 patent to the injury of Quest.

24. Users of the website <http://www.summerofwinter.com> directly infringe one or more claims of the '731 patent. For example, users of the website <http://www.summerofwinter.com> directly infringe claim 92 of the '731 patent by putting into service, controlling and/or obtaining the benefit of their personal computers and the website to respond to survey questions, which responses are transmitted via the Internet and evaluated with respect to an online sweepstakes, in which the sweepstakes winner is selected at random and notified.

25. Defendant Tropical Smoothie infringes one or more claims of the '731 patent. For example, Defendant Tropical Smoothie is an indirect infringer of claim 92 by inducing and/or contributing to the direct infringement of end users by at least operating the online sweepstakes at <http://www.summerofwinter.com> with knowledge of the '731 patent, at least after being informed about the '731 patent by Quest, and knowing that said sweepstakes forms a component of one or more inventions claimed in the '731 patent, instructing users in the operation of said sweepstakes and encouraging users to use it with the specific intent of inducing the users to directly infringe the '731 patent, said sweepstakes having no substantial non-infringing use.

26. Defendant Tropical Smoothie is thus liable for infringement of one or more claims of the '731 patent pursuant to 35 U.S.C. § 271 either literally or under the Doctrine of Equivalents.

27. Valassis's infringement of the '731 patent was and continues to be willful and was with actual and/or constructive knowledge of the '731 patent.

28. Bonnier's infringement of the '731 patent was and continues to be willful and was with actual and/or constructive knowledge of the '731 patent.

29. Citrus World's infringement of the '731 patent was and continues to be willful and was with actual and/or constructive knowledge of the '731 patent.

30. Tropical Smoothie's infringement of the '731 patent was and continues to be willful and was with actual and/or constructive knowledge of the '731 patent.

31. Quest has suffered and will continue to suffer serious irreparable injury unless Defendants' infringement of the '731 patent is enjoined.

32. Quest does not have an adequate remedy at law.

33. As a result of Defendants' wrongful conduct, Quest has also been damaged in an amount to be determined at trial but in no case less than a reasonable royalty.

**COUNT II**  
**(Infringement Of U.S. Patent No. 5,227,874)**

34. Quest realleges and incorporates by reference paragraphs 1-33 of this Amended Complaint as if fully set forth herein.



35. Quest is the sole and exclusive owner by assignment of United States Patent No. 5,227,874 to Henry Von Kohorn entitled "METHOD FOR MEASURING THE EFFECTIVENESS OF STIMULI ON DECISIONS OF SHOPPERS" (the "'874 patent"). The '874 patent was duly and legally issued by the United States Patent and Trademark Office on July 13, 1993. A true and correct copy of the '874 patent is attached hereto as Exhibit F.

36. Defendant Valassis has directly infringed and indirectly infringed by way of inducing infringement and/or contributing to the infringement of one or more claims of the '874 patent in the State of Florida, in this District, and elsewhere in the United States by, among other thing, operating websites (*e.g.*, <http://www.redplum.com>) (Exhibit B) covered by one or more claims of the '874 patent to the injury of Quest.

37. Users of the website <http://www.redplum.com> directly infringe one or more claims of the '874 patent. For example, users of the website <http://www.redplum.com> directly infringe claim 10 of the '874 patent by putting into service, controlling and/or obtaining the benefit of their personal computers and the website to practice the method of claim 10 by, among other things, acquiring coupons on request by using signals received from the website over the Internet via a personal computer, printing these coupons via a personal printer, and redeeming/surrendering these coupons for value at various establishments on behalf of an organizer.

38. Defendant Valassis is a direct infringer of the '874 patent. For example, Defendant Valassis directly infringes method claim 10 of the '874 patent by operating the website <http://www.redplum.com> practicing steps of claim 10 of the '874 patent and, directing and

controlling end users of the website to perform remaining steps of the claim in a manner that permits the users to, among other things, acquire coupons using signals received from the website over the Internet via a personal computer, print these coupons via a personal printer, and redeem/surrender these coupons for value at various establishments on behalf of an organizer.

39. Defendant Valassis is also an indirect infringer of the '874 patent. For example, Defendant Valassis indirectly infringes claim 10 of the '874 patent by inducing and/or contributing to the direct infringement of the end users by at least operating portions of the website <http://www.redplum.com> that permit users to acquire and print coupons, operating said portions of said website with knowledge of the '874 patent and knowing that said portions form a component of one or more inventions claimed in the '874 patent, instructing users in the operation of said website and encouraging users to use it with the intent of inducing the users to directly infringe the '874 patent, said portions of said website having no substantial non-infringing use.

40. Valassis is liable for infringement of one or more claims of the '874 patent pursuant to 35 U.S.C. § 271 either literally or under the Doctrine of Equivalents.

41. Valassis's infringement of the '874 patent was willful and was with actual and/or constructive knowledge of the '874 patent.

42. Quest has suffered and will continue to suffer serious irreparable injury unless Valassis's infringement of the '874 patent is enjoined.

43. Quest does not have an adequate remedy at law.

44. As a result of Valassis's wrongful conduct, Quest has also been damaged in an amount to be determined at trial but in no case less than a reasonable royalty.

**COUNT III**  
**(Infringement Of U.S. Patent No. 5,128,752)**

45. Quest realleges and incorporates by reference paragraphs 1-44 of this Amended Complaint as if fully set forth herein.

46. Quest is the sole and exclusive owner by assignment of United States Patent No. 5,128,752 to Henry Von Kohorn entitled "SYSTEM AND METHOD FOR GENERATING AND REDEEMING TOKENS" (the "'752 patent"). The '752 patent was duly and legally issued by the United States Patent and Trademark Office on July 7, 1992. A true and correct copy of the '752 patent is attached hereto as Exhibit G.

47. Defendant Valassis has directly infringed or indirectly infringed by way of inducing infringement and/or contributing to the infringement of one or more claims of the '752 patent in the State of Florida, in this District, and elsewhere in the United States by, among other thing, operating websites (e.g., <http://www.redplum.com>) (Exhibit B) covered by one or more claims of the '752 patent to the injury of Quest.

48. Users of the website <http://www.redplum.com> directly infringe one or more claims of the '752 patent. For example, users of the website <http://www.redplum.com> directly infringed claim 14 of the '752 patent by putting into service, controlling and/or obtaining the benefit of

their personal computers and the website to, among other things, acquire coupons on request by using signals received from the website over the Internet via a personal computer, and print these coupons via a personal printer.

49. Defendant Valassis indirectly infringes the '752 patent. For example, Defendant Valassis indirectly infringed claim 14 by inducing and/or contributing to the direct infringement of the users by at least operating portions of the website <http://www.redplum.com> that permit users to acquire and print coupons, operating said portions of said website with knowledge of the '752 patent, at least after being informed about the '731 patent by Quest, and knowing that said portions form a component of one or more inventions claimed in the '752 patent, instructing users in the operation of said website and encouraging users to use it with the intent of inducing the users to directly infringe the '752 patent, said portions of said website having no substantial non-infringing use.

50. Valassis is liable for infringement of one or more claims of the '752 patent pursuant to 35 U.S.C. § 271 either literally or under the Doctrine of Equivalents.

51. Valassis's infringement of the '752 patent was willful and was with actual and/or constructive knowledge of the '752 patent.

52. Quest has suffered and will continue to suffer serious irreparable injury unless Valassis's infringement of the '752 patent is enjoined.

53. Quest does not have an adequate remedy at law.

54. As a result of Valassis's wrongful conduct, Quest has also been damaged in an amount to be determined at trial but in no case less than a reasonable royalty.

**COUNT IV**  
**(Infringement Of U.S. Patent No. 5,249,044)**

55. Quest realleges and incorporates by reference paragraphs 1-54 of this Amended Complaint as if fully set forth herein.

56. Quest is the sole and exclusive owner by assignment of United States Patent No. 5,249,044 to Henry Von Kohorn entitled "PRODUCT INFORMATION STORAGE, DISPLAY, AND COUPON DISPENSING SYSTEM" (the "'044 patent"). The '044 patent was duly and legally issued by the United States Patent and Trademark Office on September 28, 1993. A true and correct copy of the '044 patent is attached hereto as Exhibit H.

57. Defendant Valassis has directly infringed and/or indirectly infringed by way of inducing infringement and/or contributing to the infringement of one or more claims of the '044 patent in the State of Florida, in this District, and elsewhere in the United States by, among other thing, operating websites (*e.g.*, <http://www.redplum.com>) (Exhibit B) covered by one or more claims of the '044 patent to the injury of Quest.

58. Users of the website <http://www.redplum.com> directly infringe the '044 patent. For example, users of the website <http://www.redplum.com> directly infringed claim 9 of the '044 patent by putting into service, controlling and/or obtaining the benefit of their personal computers (with monitors) and the website to, among other things, acquire coupons using signals

received from the website over the Internet via a personal computer and stored therein and print these coupons via a personal printer.

59. Defendant Valassis indirectly infringes the '044 patent. For example, Defendant Valassis indirectly infringed claim 9 by inducing and/or contributing to the direct infringement of the users by at least operating portions of the website <http://www.redplum.com> that permit users to acquire and print coupons, operating said portions of said website with knowledge of the '044 patent and knowing that said portions form a component of one or more inventions claimed in the '044 patent, instructing users in the operation of said website and encouraging users to use it with the intent of inducing the users to directly infringe the '044 patent, said portions of said website having no substantial non-infringing use.

60. Valassis is liable for infringement of one or more claims of the '044 patent pursuant to 35 U.S.C. § 271 either literally or under the Doctrine of Equivalents.

61. Valassis's infringement of the '044 patent was willful and was with actual and/or constructive knowledge of the '044 patent.

62. Quest has suffered and will continue to suffer serious irreparable injury unless Valassis's infringement of the '044 patent is enjoined.

63. Quest does not have an adequate remedy at law.

64. As a result of Valassis's wrongful conduct, Quest has also been damaged in an amount to be determined at trial but in no case less than a reasonable royalty.

**REQUESTED RELIEF**

WHEREFORE, Quest respectfully requests that this Court grant Quest the following relief:

A. A judgment that Defendants (individually and collectively) have infringed one or more claims of the '731 patent in violation of 35 U.S.C. §§ 271(a), (b), and (c);

B. A judgment that Valassis has infringed one or more claims of the '874 patent in violation of 35 U.S.C. §§ 271(a), (b), and (c);

C. A judgment that Valassis has infringed one or more claims of the '752 patent in violation of 35 U.S.C. §§ 271(a), (b), and (c);

D. A judgment that Valassis has infringed one or more claims of the '044 patent in violation of 35 U.S.C. §§ 271(a), (b), and (c);

E. A judgment that Defendants' infringement of the '731 patent has been willful.

F. A judgment that Valassis's infringement of the '874 patent, '752 patent and '044 patent has been willful;

G. An order pursuant to 35 U.S.C. § 283, permanently enjoining Defendants, and all persons in active concert or participation with Defendants, from any further acts of infringement, inducement of infringement, or contributory infringement of the '731 patent;

H. An award of damages, pursuant to 35 U.S.C. § 284, adequate to compensate Quest for Defendants' infringement of the '731 patent, in an amount to be determined at trial, but in no event less than a reasonable royalty;

I. An award of damages, pursuant to 35 U.S.C. § 284, adequate to compensate Quest for Valassis's infringement of the '874 patent, the '752 patent and the '044 patent, in an amount to be determined at trial, but in no event less than a reasonable royalty

J. An order, pursuant to 35 U.S.C. § 284, and based on Valassis's willful infringement of the '731 patent, the '874 patent, the '752 patent and the '044 patent, enhancing all damages awarded to Quest by trebling such damages;

K. An order, pursuant to 35 U.S.C. § 284, and based on Bonnier's willful infringement of the '731 patent, enhancing all damages awarded to Quest by trebling such damages;

L. An order, pursuant to 35 U.S.C. § 284, and based on Citrus World's willful infringement of the '731 patent, enhancing all damages awarded to Quest by trebling such damages;



M. An order, pursuant to 35 U.S.C. § 284, and based on Tropical Smoothie's willful infringement of the '731 patent, enhancing all damages awarded to Quest by trebling such damages;

N. An order, pursuant to 35 U.S.C. § 284, awarding to Quest interest on damages and its costs incurred in this action;

O. An order, pursuant to 35 U.S.C. § 285, awarding to Quest its reasonable attorneys' fees incurred in this action; and

P. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Quest hereby demands a trial by jury of all claims asserted herein.

Dated: December 16, 2011

/s Christopher Paradies  
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