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RICHARD W. WIEGING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

CV 12 3027

12 ECLIPSE IP LLC,

CASE NO.

13 Plaintiff,

COMPLAINT FOR PATENT  
INFRINGEMENT

14 vs.

DEMAND FOR JURY TRIAL

15 CYDEA, INC. d/b/a  
16 BEVERAGEFACTORY.COM,

17 Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Eclipse IP LLC (“Eclipse”), by counsel, complains of defendant Cydea, Inc. d/b/a BeverageFactory.com (“Cydea”), as follows:

**NATURE OF THIS ACTION**

1. This is a suit for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

**PARTIES AND PATENTS**

2. Eclipse is a company organized and existing under the laws of Florida and having a principal place of business address at 115 NW 17th Street, Delray Beach, Florida 33444.

3. Eclipse owns all right, title, and interest in and has standing to sue for infringement of United States Patent No. 7,479,899 (“the ‘899 patent”), entitled “Notification Systems and Methods Enabling a Response to Cause Connection Between a Notified PCD and a Delivery or Pickup Representative” (attached hereto as Exhibit A to this Complaint); United States Patent No. 7,876,239 (“the ‘239 patent”), entitled “Secure Notification Messaging Systems and Methods Using Authentication Indicia” (attached hereto as Exhibit B to this Complaint); United States Patent No. 7,319,414 (“the ‘414 patent”), entitled “Secure Notification Messaging Systems and Methods Using Authentication Indicia” (attached hereto as Exhibit C to this Complaint); United States Patent No. 7,482,952 (“the ‘952 patent”), entitled “Response Systems and Methods for Notification Systems for Modifying Future Notifications” (attached hereto as Exhibit D to this Complaint); and United States Patent No. 7,119,716 (“the ‘716 patent”), entitled “Response Systems and Methods for Notification Systems for Modifying Future Notifications” (attached hereto as Exhibit E to this Complaint) (collectively, “the Eclipse Patents”).



1 patent; and by continuing to provide to customers electronic messages with  
2 authentication, modifications to future electronic messages, and additional  
3 information associated with the status of a purchase or return, after having received  
4 notice of its infringement of the '899 patent.

5           11. Eclipse is informed and believes, and thereupon alleges, that  
6 Cydea's infringement of the '899 patent as set forth herein has been and is willful,  
7 deliberate and in disregard of Eclipse's patent rights, and Eclipse is therefore  
8 entitled to increased damages up to three times the amount of actual damages and  
9 attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285.

10           12. Cydea has infringed one or more claims of the '239 patent  
11 through, among other activities: the use of its electronic order, purchase, and  
12 product return status messaging and information systems that include URL links;  
13 and providing the users or recipients of electronic messages with authentication,  
14 modifications to future electronic messages, and additional information associated  
15 with the status of a purchase or return.

16           13. Cydea has actively induced and/or contributed to the  
17 infringement by others of one or more claims of the '239 patent through, among  
18 other activities: by continuing to provide to customers the use of its electronic  
19 order, purchase, and product return status messaging and information systems that  
20 include URL links, after having received notice of its infringement of the '239  
21 patent; and by continuing to provide to customers electronic messages with  
22 authentication, modifications to future electronic messages, and additional  
23 information associated with the status of a purchase or return, after having received  
24 notice of its infringement of the '239 patent.

25           14. Eclipse is informed and believes, and thereupon alleges, that  
26 Cydea's infringement of the '239 patent as set forth herein has been and is willful,  
27 deliberate and in disregard of Eclipse's patent rights, and Eclipse is therefore  
28 entitled to increased damages up to three times the amount of actual damages and

1 attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285.

2           15. Cydea has infringed one or more claims of the '414 patent  
3 through, among other activities: the use of its electronic order, purchase, and  
4 product return status messaging and information systems that include URL links;  
5 and providing the users or recipients of electronic messages with authentication,  
6 modifications to future electronic messages, and additional information associated  
7 with the status of a purchase or return.

8           16. Cydea has actively induced and/or contributed to the  
9 infringement by others of one or more claims of the '414 patent through, among  
10 other activities: by continuing to provide to customers the use of its electronic  
11 order, purchase, and product return status messaging and information systems that  
12 include URL links, after having received notice of its infringement of the '414  
13 patent; and by continuing to provide to customers electronic messages with  
14 authentication, modifications to future electronic messages, and additional  
15 information associated with the status of a purchase or return, after having received  
16 notice of its infringement of the '414 patent.

17           17. Eclipse is informed and believes, and thereupon alleges, that  
18 Cydea's infringement of the '414 patent as set forth herein has been and is willful,  
19 deliberate and in disregard of Eclipse's patent rights, and Eclipse is therefore  
20 entitled to increased damages up to three times the amount of actual damages and  
21 attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285.

22           18. Cydea has infringed one or more claims of the '952 patent  
23 through, among other activities: the use of its electronic order, purchase, and  
24 product return status messaging and information systems that include URL links;  
25 and providing the users or recipients of electronic messages with authentication,  
26 modifications to future electronic messages, and additional information associated  
27 with the status of a purchase or return.

28           19. Cydea has actively induced and/or contributed to the

1 infringement by others of one or more claims of the '952 patent through, among  
2 other activities: by continuing to provide to customers the use of its electronic  
3 order, purchase, and product return status messaging and information systems that  
4 include URL links, after having received notice of its infringement of the '952  
5 patent; and by continuing to provide to customers electronic messages with  
6 authentication, modifications to future electronic messages, and additional  
7 information associated with the status of a purchase or return, after having received  
8 notice of its infringement of the '952 patent.

9           20. Eclipse is informed and believes, and thereupon alleges, that  
10 Cydea's infringement of the '952 patent as set forth herein has been and is willful,  
11 deliberate and in disregard of Eclipse's patent rights, and Eclipse is therefore  
12 entitled to increased damages up to three times the amount of actual damages and  
13 attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285.

14           21. Cydea has infringed one or more claims of the '716 patent  
15 through, among other activities: the use of its electronic order, purchase, and  
16 product return status messaging and information systems that include URL links;  
17 and providing the users or recipients of electronic messages with authentication,  
18 modifications to future electronic messages, and additional information associated  
19 with the status of a purchase or return.

20           22. Cydea has actively induced and/or contributed to the  
21 infringement by others of one or more claims of the '716 patent through, among  
22 other activities: by continuing to provide to customers the use of its electronic  
23 order, purchase, and product return status messaging and information systems that  
24 include URL links, after having received notice of its infringement of the '716  
25 patent; and by continuing to provide to customers electronic messages with  
26 authentication, modifications to future electronic messages, and additional  
27 information associated with the status of a purchase or return, after having received  
28 notice of its infringement of the '716 patent.





1 the United States.

2 **COUNT II**

3 **(Patent Infringement of U.S. Patent No. 7,876,239**

4 **Under 35 U.S.C. § 271, *et seq.*)**

5 28. Eclipse incorporates by reference and realleges the allegations  
6 set forth in paragraphs 1 through 27 above and incorporates them by reference.

7 29. On January 25, 2011, United States Patent No. 7,876,239,  
8 entitled, "Secure Notification Messaging Systems and Methods Using  
9 Authentication Indicia" was duly and legally issued by the United States Patent  
10 and Trademark Office. Eclipse IP is the owner of the entire right, title and interest  
11 in and to the '239 patent. A true and correct copy of the '239 patent is attached as  
12 Exhibit B to this Complaint.

13 30. Eclipse is informed and believes, and thereupon alleges, that  
14 Cydea: (1) has infringed and continues to infringe claims of the '239 patent,  
15 literally and/or under the doctrine of equivalents, and/or (2) has contributed and  
16 continues to contribute the literal infringement and/or infringement under the  
17 doctrine of equivalents of claims of the '239 patent, and/or has actively induced  
18 and continues to actively induce others to infringe claims of the '239 patent,  
19 literally and/or under the doctrine of equivalents, in this district and elsewhere in  
20 the United States.

21 **COUNT III**

22 **(Patent Infringement of U.S. Patent No. 7,319,414**

23 **Under 35 U.S.C. § 271, *et seq.*)**

24 31. Eclipse incorporates by reference and realleges the allegations  
25 set forth in paragraphs 1 through 30 above and incorporates them by reference.

26 32. On January 15, 2008, United States Patent No. 7,319,414,  
27 entitled, "Secure Notification Messaging Systems and Methods Using  
28 Authentication Indicia" was duly and legally issued by the United States Patent





1 literally and/or under the doctrine of equivalents, in this district and elsewhere in  
2 the United States.

3 **COUNT V**

4 **(Patent Infringement of U.S. Patent No. 7,119,716**

5 **Under 35 U.S.C. § 271, *et seq.*)**

6 37. Eclipse incorporates by reference and realleges the allegations  
7 set forth in paragraphs 1 through 36 above and incorporates them by reference.

8 38. On October 10, 2006, United States Patent No. 7,119,716  
9 entitled, "Response Systems and Methods for Notification Systems for Modifying  
10 Future Notifications" was duly and legally issued by the United States Patent and  
11 Trademark Office. Eclipse IP is the owner of the entire right, title and interest in  
12 and to the '716 patent. A true and correct copy of the '716 patent is attached as  
13 Exhibit A to this Complaint.

14 39. Eclipse is informed and believes, and thereupon alleges, that  
15 Cydea: (1) has infringed and continues to infringe claims of the '716 patent,  
16 literally and/or under the doctrine of equivalents, and/or (2) has contributed and  
17 continues to contribute the literal infringement and/or infringement under the  
18 doctrine of equivalents of claims of the '716 patent, and/or has actively induced  
19 and continues to actively induce others to infringe claims of the '716 patent,  
20 literally and/or under the doctrine of equivalents, in this district and elsewhere in  
21 the United States.

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Eclipse asks this Court to enter judgment against  
24 Cydea and against each of Cydea's respective subsidiaries, affiliates, agents,  
25 servants, employees and all persons in active concert or participation with it,  
26 granting the following relief:

27 A. An award of damages adequate to compensate Eclipse for the  
28 infringement that has occurred, together with prejudgment interest from the date

1 infringement of the Eclipse Patents began;

2 B. An award to Eclipse of all remedies available under 35 U.S.C.  
3 §§ 284 and 285, including enhanced damages up to and including trebling of  
4 Eclipse’s damages for Cydea’s willful infringement, and reasonable attorneys’ fees  
5 and costs; and

6 C. Such other and further relief as this Court or a jury may deem  
7 proper and just.

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**JURY DEMAND**

10 Pursuant to Federal Rule of Civil Procedure 38 and Civil Local Rule  
11 3-6, Eclipse hereby demands a jury trial on all issues so triable.

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Respectfully submitted,

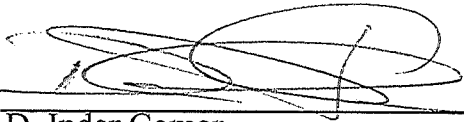
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Dated: June 12, 2012

COMAR LAW

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By   
D. Inder Comar  
Attorney for Plaintiff  
Eclipse IP LLC

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