

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

**QUXUZ LLC.**

**PLAINTIFF,**

**V.**

**ELEMENT FUSION, LLC,**

**DEFENDANT.**

**Civil Action No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff, Quxuz LLC (“Quxuz”), makes the following allegations against defendant, Element Fusion, LLC (“Element Fusion”).

**PARTIES**

1. Plaintiff Quxuz is a Texas limited liability company having a principal place of business at 430 N Center Street, Suite 109 Longview, Texas 75601.

2. On information and belief, Defendant Element Fusion is an Oklahoma corporation with a place of business at 5400 N. Grand Blvd., Ste. 515, Oklahoma City, OK 73112.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Element Fusion has transacted business in this district, and has

committed and/or induced acts of patent infringement in this district.

5. On information and belief, Element Fusion is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,353,199**

6. Quxuz is the sole owner by assignment of the entire right, title, and interested in United States Patent No. 7,353,199 (the "'199 patent") entitled "Method of Moderating External Access to an Electronic Document Authoring Development and Distribution." The '199 patent issued on April 1, 2008. A true and correct copy of the '199 patent is included as Exhibit A.

7. Upon information and belief, Element Fusion has been and now is infringing, both literally and/or under the doctrine or equivalents, the claims of the '199 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling one or more document authoring, development and distribution systems covered by one or more claims of the '199 patent ("Accused Products"). By making, using, importing, offering for sale, and/or selling the Accused Products, for example [www.lightcms.com](http://www.lightcms.com) that are covered by one or more claims of the '199 patent, Element Fusion has injured Quxuz and is thus liable to Quxuz for infringement of the '199 patent pursuant to 35 U.S.C. §271.

8. As a result of Element Fusion's unlawful infringement of the '199 patent, Quxuz has suffered and will continue to suffer damage. Quxuz is entitled to recover from Element Fusion the damages adequate to compensate for such infringement, which have yet to be determined.

9. Element Fusion's acts of infringement have caused and will continue to cause irreparable harm to Quxuz unless and until enjoined by this Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, Quxuz prays for a Judgment from this Honorable Court in favor of Quxuz and against Element Fusion as follows:

1. That the '199 patent is valid and enforceable;
2. That Element Fusion has infringed the '199 patent;
3. An order requiring Element Fusion to pay Quxuz its damages, costs, expenses, and pre-judgment and post-judgment interest for Element Fusion's infringement of the '199 patent as provided under 35 U.S.C. § 284;
4. An order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Quxuz its reasonable attorneys' fees; and
5. Any and all other relief to which Quxuz may show itself to be entitled.

#### **DEMAND FOR JURY TRIAL**

Quxuz, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

**Quxuz LLC**

Dated: August 17, 2012

By: /s/ Andrew W. Spangler

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