

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants' infringement of Plaintiff's United States Patent No. 6,526,219 (hereinafter, the "'219 patent"), entitled "Picture-Based Video Indexing System." A copy of the '219 patent is attached hereto as Exhibit A. InMotion is the assignee of the '219 patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff InMotion is a limited liability company organized and existing under the laws of Texas with its principal place of business at 104 East Houston Street, Suite #175, Marshall, Texas 75670. InMotion is the assignee of all title and interest of the '219 patent. Plaintiff possesses the entire right to sue for infringement and recover past damages.

3. Defendant Millennium Entertainment, Inc. ("Millennium") is a business organized and existing under the laws of the State of Delaware, with its principal place of business located at 5900 Wilshire Blvd., Floor 18, Los Angeles, California 90036. Millennium may be served through its registered agent, USA Corporate Services Inc., who is listed with the Delaware Department of State, Division of Corporations, as being located at 3500 S Dupont Hwy., Dover, Delaware, 19901.

4. Upon information and belief, Defendant And More Entertainment Corp. d/b/a MTI Home Video ("MTI Home Video") is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 14216 SW 136 Street, Miami, FL 33186. MTI Home Video may be served through its registered agent, Larry Brahms, who is listed with the Florida Department of State, Corporations Division, as being located at the same address.

5. Upon information and belief, Defendant Pure Play Media Distribution LLC (“Pure Play Media”) is, and at all relevant times mentioned herein was, a company organized and existing under the laws of the State of Delaware with its principal place of business located at 7731 Hayvenhurst Ave., Van Nuys, CA 91406. Pure Play Media may be served through its registered agent, Incorporating Services, Ltd., who is listed with the Delaware Department of State, Division of Corporations, as being located at 3500 S Dupont Hwy., Dover, Delaware, 19901.

6. Upon information and belief, Defendant SCE Group Inc. d/b/a Sin City Entertainment (“Sin City”) is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of New York with its principal place of business located at 2520 Park Avenue, Bronx, New York 10451. Sin City may be served through its Chairman, Dimitrios Drakopoulos, who is listed with the New York Department of State, Division of Corporations, as being located at the same address.

7. Upon information and belief, Defendant Galaxy Internet Group & Associates LLC d/b/a Sticky Video (“Sticky Video”) is, and at all relevant times mentioned herein was, a company organized and existing under the laws of the State of Ohio with its principal place of business located at 3700 Kelley Ave., Cleveland, OH 44114. Sticky Video may be served through its registered agent, Rhonda Garcia, who is listed with the Ohio Secretary of State, as being located at the same address.

8. Upon information and belief, Defendant FilmCo Productions, Inc. (“FilmCo”) is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of California with its principal place of business located at 9718 Glenoaks Blvd., Suite A, Sun Valley, CA 91352. FilmCo may be served through its registered agent, Gary

E. Gleicher, who is listed with the California Secretary of State as being located at 433 N. Camden Dr., Suite 515, Beverly Hills, California 90210.

9. Upon information and belief, Defendant Totally Tasteless Video, Inc. (“Totally Tasteless”) is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of California with its principal place of business located at 9718 Glenoaks Blvd., Suite T, Sun Valley, CA 91352. Totally Tasteless Video may be served through its registered agent, Gary E. Gleicher, who is listed with the California Secretary of State as being located at 433 N. Camden Dr., Suite 515, Beverly Hills, California 90210.

JURISDICTION AND VENUE

10. 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).

11. The Court has personal jurisdiction over each Defendant because each Defendant has minimum contacts within the State of Texas, and the Eastern District of Texas; each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant has sought protection and benefit from the laws of the State of Texas; each 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 Defendants’ business contacts and other activities in the State of Texas and in the Eastern District of Texas.

12. More specifically, each Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises its products and/or services in the United

States, the State of Texas, and the Eastern District of Texas, including but not limited to the provision of an interactive web page. Upon information and belief, Defendants and/or their respective customers have committed patent infringement in the State of Texas and in the Eastern District of Texas. Each Defendant solicits customers in the State of Texas and in the Eastern District of Texas. Each Defendant has many paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use respective Defendant's products and services in the State of Texas and in the Eastern District of Texas.

13. Defendants are properly joined in this action pursuant to Rule 20(a) of the Federal Rules of Civil Procedure because Plaintiff has asserted claims against Defendants for which they are jointly and/or severally liable, or, in the alternative, a right to relief in respect of or arising out of the same series of transactions or occurrences, namely, the development of, advertising, offering for sale, and providing their products and services to their customers through their websites. Questions of law and/or fact common to the defendants will arise in this action due to business relationships of the Defendants to each other, their shared customers, and/or products in common.

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

COUNT I – PATENT INFRINGEMENT

15. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1 - 14 above.

16. The '219, entitled "Picture-Based Video Indexing System," was duly and legally issued by the United States Patent and Trademark Office on February 25, 2003 after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the '219 patent and

possesses all rights of recovery under the '219 patent including the right to sue for infringement and recover past damages.

17. Upon information and belief, Millennium has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays motion imagery that infringe the '219 patent either literally or under the doctrine of equivalents. Upon information and belief, Millennium owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites through which it provides or provided to its customers its infringing products and services.

18. Upon information and belief, MTI Home Video has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays motion imagery that infringe the '219 patent either literally or under the doctrine of equivalents. Upon information and belief, MTI Home Video owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites, including as an example www.mtivideo.com.com, through which it provides or provided to its customers products and services that infringe the '219 patent either literally or under the doctrine of equivalents.

19. Upon information and belief, Pure Play Media has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays

motion imagery that infringe the '219 patent either literally or under the doctrine of equivalents. Upon information and belief, Pure Play Media owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites, including as an example www.pureplaymedia.com, through which it provides or provided to its customers products and services that infringe the '219 patent either literally or under the doctrine of equivalents.

20. Upon information and belief, Sin City has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays motion imagery. Upon information and belief, Sin City owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites, including as examples www.sincity.com and www.sincitylivechat.com, through which it provides or provided to its customers products and services that infringe the '219 patent either literally or under the doctrine of equivalents.

21. Upon information and belief, Sticky Video has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays motion imagery. Upon information and belief, Sticky Video owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites, including as an example www.stickyvideo.com, through which it provides or provided to its customers products and services that infringe the '219 patent either literally or under the doctrine of equivalents.

22. Upon information and belief, FilmCo has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays motion imagery. Upon information and belief, FilmCo owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites, including as an example www.filmco.com, through which it provides or provided to its customers products and services that infringe the '219 patent either literally or under the doctrine of equivalents.

23. Upon information and belief, Totally Tasteless has infringed and continues to infringe one or more claims of the '219 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, videos indexed with images that are displayed in windows wherein at least one window displays motion imagery. Upon information and belief, Totally Tasteless owns or owned, operates or operated, advertises or advertised, and controls or controlled one or more websites, through which it provides or provided to its customers products and services that infringe the '219 patent either literally or under the doctrine of equivalents.

24. Upon information and belief, Defendants have induced and continue to induce infringement of one or more claims of the '219 patent in this district and elsewhere in the United States, by their intentional acts which have successfully, among other things, encouraged, instructed, enabled and otherwise caused their customers to use their products and services, by purchasing, accessing and/or viewing videos through their respective websites or otherwise, having been provided by Defendants to their customers for the primary purpose of causing infringing acts by said customers. Defendants have had knowledge of the '219 patent since

commencement of this action at least. Upon information and belief, Defendants have specifically intended and/or specifically intend that their customers use the accused products and services in such a way that infringes the '219 patent by, at minimum, providing instructions to their customers on how to use the accused products and indices to direct customers to the locations of videos in such a way that infringes the '219 patent and knew and/or know that their actions, including but not limited to providing such instructions and/or indices, would induce, have induced, and will continue to induce infringement by their customers.

25. Upon information and belief, Defendants have contributed to and continue to contribute to the infringement of one or more claims of the '219 patent in this district and elsewhere in the United States, by their intentional acts which have successfully, among other things, encouraged, instructed, enabled and otherwise caused their customers to use their products and services, such as purchasing, accessing and/or viewing videos through their respective websites or otherwise, having been provided by Defendants to their customers for the primary purpose of causing infringing acts by said customers by offering to sell, and selling (directly or through intermediaries), to their customers, their products and services covered by the '219 patent that constitute a material part of the invention, and that their customers have utilized said products and services in a manner that infringes one or more claims of the '219 patent. Defendants have had knowledge of the '219 patent since commencement of this action at least. Upon information and belief, Defendants have specifically intended and/or specifically intend that their customers use the accused products and indices to direct customers to the locations of videos in such a way that infringes the '219 patent by, at minimum, providing instructions to their customers on how to use the accused products in such a way that infringes the '219 patent, and knew and/or knows that their products and services are especially made

and/or adapted for user(s) to infringe one or more claims of the '219 patent and, therefore, are not staple articles or commodities of commerce suitable for a substantial non-infringing use.

26. Each Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

27. Plaintiff is entitled to recover from the Defendants the damages sustained by Plaintiff as a result of Defendants' 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.

28. Defendants' infringement of Plaintiff's exclusive rights under the '219 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

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

PRAYER FOR RELIEF

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

- A. An adjudication that one or more claims of the '219 patent has been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants;

- B. An adjudication that at least one of the claims of the '219 patent has been infringed by customers of the Defendants, said customers having been induced to infringe by the intentional actions of the Defendants;
- C. An adjudication that at least one of the claims of the '219 patent has been infringed by customers of the Defendants, said infringement having been contributed to by the intentional actions of the Defendants;
- D. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest pursuant to 35 U.S.C. § 284;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendants from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '219 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.

Respectfully submitted, this 24th Day of August, 2012,

/s/ Douglas L. Bridges

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 24th day of August 2012.

/s/ Douglas L. Bridges
Douglas L. Bridges