

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

LBS INNOVATIONS, LLC,

Plaintiff,

v.

AARON BROTHERS, INC.; *et al.*,

Defendants.

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Civil Action No. 2:11-cv-00142-MHS

Jury Trial Demanded

**PLAINTIFF'S SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

Plaintiff LBS Innovations, LLC files this First Amended Complaint against Adams Golf, Ltd. ("Defendant") and alleges as follows:

PARTIES

1. Plaintiff LBS Innovations, LLC ("LBSI") is a Texas Limited Liability Company with its principal place of business at 815 Brazos Street, Suite 500, Austin, Texas 78701.

2. Upon information and belief, Defendant Adams Golf Ltd. is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 2801 E. Plano Parkway, Plano, Texas 75074-7418. Adams Golf Ltd. has been served with process.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Defendant is subject to this Court's general and/or specific personal jurisdiction because it (a) is a resident of the State of Texas; and/or (b) has designated an agent for service of process in the State of Texas; and/or (c) has committed acts of infringement in the State of Texas as alleged below; and/or (d) is engaged in continuous and systematic activities in the State of Texas. Therefore, this Court has personal jurisdiction over Defendant under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has a regular and established place of business in this district, and/or has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

7. On July 18, 2000, the United States Patent and Trademark Office issued United States Patent No. 6,091,956 (the "956 Patent") entitled "Situation Information System," a true copy of which is provided as Attachment 1.

8. LBSI is the owner by assignment of the '956 Patent and owns all right, title and interest in the '956 Patent, including the right to sue for and recover all past, present and future damages for infringement of the '956 Patent.

CLAIM 1 – INFRINGEMENT OF U.S. PATENT NO. 6,091,956

9. Defendant Adams Golf has been and now is directly infringing one or more claims of the '956 Patent, including Claim 11, in violation of 35 U.S.C. § 271 by making and/or using in the United States the computer implemented website www.adamsgolf.com, which has a store or dealer location interface at <http://www.adamsgolf.com/retail/wtgi/index.php>, when its employees, agents, or representatives test its website as shown in Exhibit A of Attachment 2,

Plaintiff's Corrected Amended Infringement Contentions served on March 20, 2012, attached herein pursuant to Federal Rule of Civil Procedure 10. In addition and/or in the alternative, Adams Golf, with knowledge of the '956 Patent, has been and/or now is inducing the infringement of one or more claims of the '956 Patent, including Claim 11, by users of this website and store or dealer location interface, and is continuing to engage in such indirect infringement in violation of 35 U.S.C. § 271, as shown in Exhibits B and C of Attachment 2.

10. As a direct and proximate consequence of the acts and practices of Defendant in infringing, directly and/or indirectly, one or more claims of the '956 Patent, LBSI has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

11. The limitation of damages provision of 35 U.S.C. § 287(a) is not applicable to LBSI.

12. This case presents exceptional circumstances within the meaning of 35 U.S.C. § 285 and LBSI is thus entitled to an award of its reasonable attorneys' fees.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, LBSI requests entry of judgment that:

1. Defendant has infringed the patent-in-suit;
2. Defendant accounts for and pay to Plaintiff all damages caused by its respective infringement of the patent-in-suit;

3. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement;
4. The Court declare this an exceptional case and that Plaintiff be granted reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
5. Costs be awarded to Plaintiff; and
6. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: November 16, 2012

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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**ATTORNEYS FOR PLAINTIFF LBS
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 16th day of November 2012. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Niky Bukovcan

Niky Bukovcan