

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FREDERICK D. NOYES, an individual

Plaintiff,

vs.

MAJOR LEAGUE BASEBALL ENTERPRISES,
INC., a New York Corporation

Defendant.

Civil Action No.: _____

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Frederick D. Noyes (“Plaintiff” or “Noyes”), files this complaint against Major League Baseball Enterprises, Inc. (“Defendant” or “MLB”), alleging as follows:

THE PARTIES

1. Plaintiff Noyes is an individual, having an address of 688 Bar Harbor Rd., Trenton, ME 04605.

2. Defendant, Major League Baseball, is a corporation headquartered at 245 Park Ave., 31st Fl, New York NY 10167. Upon information and belief, MLB can be served through its chairman/chief executive officer Robert A. Dupuy at 245 Park Ave., New York, NY 10167.

JURISDICTION & VENUE

This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 *et seq.*, and jurisdiction is properly based on 35 U.S.C. § 271 and 28 U.S.C. § 1338(a).

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, Defendant MLB transacts or has transacted business in this judicial district, or committed and/or induced acts of patent infringement in this district.

PATENT INFRINGEMENT COUNT

4. On February 17, 2004, United States Patent No. 6,691,916 (“the ‘916 patent”) entitled “Autograph Verification and Authentication System” was duly and legally issued to Frederick D. Noyes (attached hereto as Exhibit A).

5. The ‘916 patent is directed to a method of authenticating autographs to prevent fraud, consisting of a third-party witness authenticator and a tamper-proof label with identifying information.

6. Pursuant to 35 U.S.C. § 282, the ‘916 patent is presumed valid.

7. In March of 2002, Plaintiff met with Defendant to discuss his then-pending patent application. (See March 12, 2002 letter from Frederick D. Noyes to Ethan Orlinsky, vice president and general counsel for Major League Baseball Properties, attached hereto as Exhibit B).

8. After his patent issued in 2004, it came to the attention of Mr. Noyes that Major League Baseball had instituted an autograph authentication process quite similar to that described in the March 2002 meeting and in the claims of the ‘916 patent.

9. Defendant’s program, known as the “Major League Baseball Authentication Program,” is “designed to distinguish officially authenticated MLB memorabilia from other items on the market, the program combines an objective third-party authentication system that guarantees genuine memorabilia for all MLB fans. (See MLB Authentication System page located at <http://mlb.mlb.com/mlb/authentication/index.jsp> and attached hereto as Exhibit C)

10. Major League Baseball uses a third party authenticator at each game to witness all items that receive a signature or that are removed from the field. Every item, once witnessed, will receive a sequentially numbered, tamper-proof hologram created by OpSec, U.S. to easily

identify its Major League Baseball authenticity. (See Exhibit C)

11. OpSec holograms include overt security features engineered to “offer instant recognition and provide the first level of verification by consumers, customs officials, investigators, and law enforcement.” (See description of OpSec holograms at <http://www.opsecsecurity.com/technology/ovds>, attached hereto as Exhibit D)

12. OpSec holograms also include covert security features, which “can be embedded in the OVDs (optically variable devices) in a layered approach.” (See Exhibit D)

13. By making, operating, using and/or selling its authentication system, MLB has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 1, 2, 4, 5, 6, 8, and 10 of the ‘916 patent either literally, or under the doctrine of equivalents.

14. Accordingly, MLB’s acts of infringement of the ‘916 patent, as alleged above, have injured Plaintiff and, thus, Plaintiff is entitled to recover damages adequate to compensate it for MLB’s acts of infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for entry of judgment:

- A. that Defendant MLB, has infringed one or more claims of the ‘916 patent;
- B. that Defendant MLB accounts for and pays to Plaintiff all damages caused by the infringement of the ‘916 patent, which by statute can be no less than a reasonable royalty;
- C. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to them by reason of MLB’s infringement of the ‘916 patent;

- P. that Plaintiff be granted its attorneys' fees in this action;
- Q. that costs be awarded to Plaintiff;
- R. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

DATED: November 19, 2012

/s/ Kenneth L. Dorsney
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Kenneth L. Dorsney (#3726)
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