



4. Jurisdiction for this action is based on 35 U.S.C. § 271 and 28 U.S.C. §§ 1331 and 1338(a). LibreStream has committed acts of infringement in the State of Texas as alleged below and is engaged in continuous and systematic activities in the State of Texas.

5. Venue is proper in this judicial district under 28 U.S.C. § 1391(d) in that the Defendant is a non-U.S. corporation, an alien corporation, and may be sued in any U.S. District Court.

6. Venue is also proper in this judicial district by the fact that the Plaintiff has its principal place of business located in Marshall, Texas, and injury to Plaintiff therefore occurs to Plaintiff in this district. LibreStream has transacted business in this district and has committed and/or contributed to patent infringement in this district.

#### **FACTS AND STATEMENT OF CLAIM**

7. The patents-in-suit are U.S. Patent No. 6,317,039 B1 (“The ‘039 Patent”), and U.S. Patent No. 6,690,273 B2 (“the ‘273 Patent”). A true copy of the ‘039 Patent is attached hereto as Exhibit 1. A true copy of the ‘273 Patent is attached hereto as Exhibit 2.

8. On November 13, 2001, United States Patent No. 6,317,039 B1 (“The ‘039 Patent”), entitled “Wireless Video and Audio Data Remote System,” was issued to John A. Thomason as inventor. The entire right, title, and interest to the ‘039 Patent is now assigned to Plaintiff WRS.

9. On February 10, 2004, U.S. Patent No. 6,690,273 B2 (“the ‘273 Patent”), entitled “Wireless Video Audio Data Remote System,” issued to John A. Thomason as inventor. The ‘273 Patent issued from a continuation application from the application that issued as the ‘039 Patent. The entire right, title, and interest to the ‘273 Patent is now assigned to Plaintiff WRS.

10. Defendant LibreStream has infringed and/or continues to infringe the patents-in-suit in that without authority it individually and/or jointly makes, imports, uses, offers to sell, and/or sells, or induces others to make, import, use, offer to sell, and/or sell the patented inventions within the United States, in Texas, and in the Eastern District of Texas.

11. Defendant LibreStream's products and methods that infringe on Plaintiff's patents-in-suit include, but are not limited to, Defendant's Onsite Connect hardware and software system, and the use of that system by itself and others.

12. By Defendant LibreStream's infringement of the patents-in-suit, Defendant made unlawful gains and profits, and Plaintiff WRS, due to the same infringing conduct by Defendant, has been deprived of rights and remunerations that would have otherwise come to Plaintiff, but for the infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff WRS, respectfully requests the following relief:

a) a preliminary injunction enjoining the continuing infringement of the patents-in-suit by Defendant LibreStream and, additionally, enjoining any and all such other persons that are making, importing, offering for sale, selling, and using the infringing products as joint and/or contributory infringers;

b) a judgment declaring that Defendant LibreStream has infringed Plaintiff WRS's patents-in-suit;

c) an accounting for damages;

d) a permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant LibreStream from further acts of infringement and, additionally, enjoining any and all such other

persons that are manufacturing, importing, offering for sale, selling, and using the infringing products;

- e) an award of its reasonable attorneys' fees if the Court finds this to be an exceptional case within the meaning of 35 U.S.C. § 285;
- f) an award of pre- and post-judgment interest;
- g) an award of costs; and,
- h) a grant of any such other and further relief as the Court may deem just and proper under the circumstances.

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

Plaintiff WRS hereby respectfully demands a jury trial on all claims and issues so triable.

Dated: November 27, 2012

Respectfully submitted,

**BUETHER JOE & CARPENTER, LLC**

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