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

VARIANT HOLDINGS, LLC
AND VARIANT, INC.
 	
    PLAINTIFFS,
 	
  v.
 	
THE MIAN DEVELOPMENT CORP. D/B/A
STERLING HOTEL DALLAS
 	
    DEFENDANT.
	CASE NO.:
	
	JURY TRIAL DEMANDED

PLAINTIFFS' ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs VARIANT HOLDINGS, LLC and VARIANT, INC. file this Complaint against

defendant THE MIAN DEVELOPMENT CORP. d/b/a STERLING HOTEL DALLAS

(hereinafter "MIAN DEVELOPMENT"), as follows:

PARTIES

1.   Plaintiff VARIANT HOLDINGS, LLC has a place of business in Charlestown,

Nevis.

2.   Plaintiff VARIANT, INC. presently has a place of business in Marshall, Texas.

Hereinafter, VARIANT HOLDINGS, LLC and VARIANT, INC. are collectively referred to as

"VARIANT."

3.   On information and belief, MIAN DEVELOPMENT has a place of business in

Dallas, Texas.

JURISDICTION AND VENUE

4. 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).

5. On information and belief, MIAN DEVELOPMENT 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 related to the infringements alleged herein. Further, on information and belief, MIAN DEVELOPMENT has an interactive website comprising infringing methods and apparatuses which are at least used in and/or accessible in this forum. Further, on information and belief, MIAN DEVELOPMENT is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, MIAN DEVELOPMENT is subject to personal jurisdiction in this district. On information and belief, MIAN DEVELOPMENT is subject to this Court's specific and general personal jurisdiction in this district, pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, MIAN DEVELOPMENT has an interactive website comprising infringing methods and apparatuses which are at least used in and/or accessible in this district. Further, on information and belief, MIAN DEVELOPMENT is subject to the Court's general jurisdiction in this district, including from regularly doing or soliciting business, engaging in other persistent courses of conduct,

and/or deriving substantial revenue from goods and services provided to persons or entities in this district.

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COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,624,044

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7. United States Patent No. 7,624,044 (the "'044 Patent"), entitled "System for marketing goods and services utilizing computerized central and remote facilities," duly and legally issued on November 24, 2009.

8. VARIANT HOLDINGS, LLC is the assignee of the '044 Patent. VARIANT, INC. is the exclusive licensee of the '044 Patent. Plaintiffs have standing to bring this lawsuit for infringement of the '044 Patent.

9. The claims of the '044 Patent cover, *inter alia,* apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals.

10. On information and belief, MIAN DEVELOPMENT has infringed the '044 Patent pursuant to 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by

one or more claims of the '044 Patent. On information and belief, such apparatuses comprise its website for renting rooms, namely www.sterlinghoteldallas.com.

11.　　To the extent that facts learned during the pendency of this case show that MIAN DEVELOPMENT'S infringement includes indirect infringement, VARIANT reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

12.　　To the extent that facts learned during the pendency of this case show that this is an "exceptional case," VARIANT reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

13.　　Moreover, on information and belief, MIAN DEVELOPMENT has been and now is indirectly infringing by way of intentionally inducing infringement of the '044 patent in this judicial district, and elsewhere in the United States, including by aiding and abetting the making and using of systems associated with hosting bookings.ihotelier.com by TravelClick, Inc., and/or by aiding and abetting the using of systems associated with bookings.ihotelier.com and/or www.sterlinghoteldallas.com by end user customers. Upon information and belief, such induced infringement has occurred at least since this Defendant became aware of the '044 patent, at least through becoming aware of this Complaint. To the extent that facts learned during the pendency of this case show that this is an "exceptional case," VARIANT reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

14.　　Upon information and belief, MIAN DEVELOPMENT'S infringement of the '044 Patent since receiving notice of the patent, at a minimum by virtue of this lawsuit, has necessarily been willful and objectively reckless at least due to the fact that the MIAN DEVELOPMENT'S infringement is clear and there is no known good faith basis to assert invalidity.

15.   As a result of MIAN DEVELOPMENT'S infringing conduct, Defendants have damaged VARIANT. Defendants are liable to VARIANT in an amount that adequately compensates VARIANT for their infringement, which, by law, can be no less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, VARIANT respectfully requests that this Court enter:

1.   A judgment in favor of VARIANT that MIAN DEVELOPMENT has infringed the '044 Patent;

2.   A permanent injunction enjoining MIAN DEVELOPMENT, and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '044 Patent;

3.   A judgment and order requiring MIAN DEVELOPMENT to pay VARIANT its damages, costs, expenses, fees and prejudgment and post-judgment interest for MIAN DEVELOPMENT'S infringement of the '044 Patent as provided under 35 U.S.C. §§ 284 and/or 285; and

4.   Any and all other relief to which VARIANT may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

December 7, 2012   Respectfully submitted,

                                         By: /s/ *John J. Edmonds*
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