

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. _____

TRAVEL PHOTO, L.L.C., a Michigan corporation,
Plaintiff,

vs.

ROYAL CARIBBEAN CRUISES, LTD.,
a Liberian corporation, d/b/a
ROYAL CARIBBEAN CRUISE LINE, d/b/a
ROYAL CARIBBEAN INTERNATIONAL,
Defendant.

_____/

COMPLAINT

Plaintiff Travel Photo, L.L.C. (“Travel Photo”) sues Defendant Royal Caribbean Cruises Ltd. d/b/a Royal Caribbean Cruise Line d/b/a Royal Caribbean International (“Royal Caribbean”) and alleges as follows:

THE PARTIES

1. Plaintiff Travel Photo is a Michigan limited liability company with a principal place of business of 6915 Dakota Drive, Troy, Michigan, 48098.
2. Defendant Royal Caribbean is a Liberian Corporation with its principal place of business in Miami-Dade County, Florida.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) in that this is an action arising under the patent laws of the United States, more particularly, 35 U.S.C. § 271 *et seq.*
4. This Court has personal jurisdiction over Royal Caribbean because Royal Caribbean: (a) is authorized to do business in the state of Florida; (b) regularly conducts business

activities in the state of Florida and this judicial district; and (c) maintains a registered agent in Miami, Florida.

5. Venue is appropriate pursuant to 28 U.S.C §§ 1391(b) and 1400(b) because Royal Caribbean: (a) regularly conducts business activities in the state of Florida; (b) maintains a regular and established place of business in the state of Florida; (c) maintains an agent in Florida; (d) has committed acts of infringement in Florida and/or a substantial part of the events giving rise to the claim occurred in Florida.

GENERAL ALLEGATIONS

6. On July 3, 2007, U.S. Patent No. 7,239,723 (“the ‘723 Patent’”), entitled “Method for Verifying the Identity of a Passenger,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). A true and correct copy of the ‘723 Patent is attached as Exhibit A.

7. The ‘723 Patent relates to a method for verifying the identity of a passenger, for example, upon entering a cruise ship.

8. On or about October 23, 2008, a reexamination of the ‘723 Patent was requested and subsequently granted by the USPTO.

9. On or about June 18, 2009, the reexamination proceedings concluded and the USPTO issued a Notice of Intent to Issue a Reexamination Certificate. The USPTO confirmed the patentability of claim 3 of the ‘723 Patent as amended. Claims 1 and 2 were not reexamined.

10. On March 23, 2010, an Ex Parte Reexamination Certificate issued for the ‘723 Patent. A true and correct copy of the Reexamination Certificate is included with Exhibit A.

11. The ‘723 Patent is presumed valid under 35 U.S.C. § 282.

12. Travel Photo is the owner by assignment of the '723 Patent.

COUNT I

13. Plaintiffs repeat and reincorporate Paragraphs 1 through 12 of this Complaint.

14. Royal Caribbean operates as a cruise line with destinations in approximately seventy-two countries, on six continents, including numerous destinations in the United States.

15. As part of its boarding procedures, Royal Caribbean carries out steps to verify the identity of its passengers, both at the time of boarding and upon subsequent entry on to the ship.

16. These identity verification steps include, *inter alia*, verifying the identity of the passenger upon initial boarding; taking an electronic image of the passenger; storing the electronic image in a computer database; issuing a boarding pass to the passenger encoded with a bar code that references the electronic image of the passenger in the database; and using the bar code on the boarding pass to retrieve the electronic image from the computer database for comparison with the actual passenger.

17. An example of a system that carries out, in whole or in part, the passenger identity verification steps performed by Royal Caribbean includes, without limitation, the "APASS" system, provided by SISCO Corporation, located in West Palm Beach, Florida.

18. By virtue of its passenger identity verification procedures, Royal Caribbean has infringed and is infringing the '723 Patent by practicing method(s) covered by one or more of the claims of the '723 Patent, including at least claim 3 of the '723 Patent.

19. On information and belief, Royal Caribbean knew, or should have known, that there was an objective likelihood that its actions constituted infringement of the presumptively

valid patent, and engaged in these actions despite that risk. Royal Caribbean's continued practice of the infringing methods is willful and deliberate.

20. Royal Caribbean's infringement of the '723 Patent as alleged above has injured, and continues to injure, Travel Photo. Travel Photo is thus entitled to recover damages adequate to compensate for Royal Caribbean's infringement, including its lost profits, but which in no event can be less than a reasonable royalty.

21. Royal Caribbean's infringement of Travel Photo's exclusive rights under the '723 Patent will continue to damage Travel Photo, thereby causing irreparable harm. Accordingly, Royal Caribbean's infringement should be permanently enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Travel Photo respectfully requests the following relief:

(a) That the Court find that Royal Caribbean has infringed and/or is infringing the '723 Patent and award damages resulting thereof.

(b) That the Court grant Plaintiff injunctive relief enjoining Royal Caribbean from practicing the infringed claims.

(c) That the Court grant Plaintiff all appropriate monetary relief, including an award of treble damages against Royal Caribbean.

(d) That the Court find that this is an exceptional case under 35 U.S.C. § 285.

(e) That the Court award Plaintiff its attorneys' fees, costs, and interest incurred in this action; and

(f) That the Court grant Plaintiff any additional relief, either in law or equity, as the Court determines is just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as provided by law.

Dated: March 25, 2013

Respectfully submitted,

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