

# Smith Declaration

## Exhibit KS1

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

CLEAR WITH COMPUTERS, LLC

v.

Civil Action No.

BASSETT FURNITURE INDUSTRIES, INC.;  
BELL HELICOPTER TEXTRON INC.;  
THE BOEING COMPANY;  
BOSTON WHALER, INC;  
BROYHILL FURNITURE INDUSTRIES, INC.;  
BRUNSWICK CORPORATION;  
BRUNSWICK INTERNATIONAL LIMITED;  
CABELA'S, INC.;  
CARRIER CORPORATION;  
CRUTCHFIELD CORP.;  
CRUTCHFIELD NEW MEDIA, LLC;  
DACOR HOLDINGS, INC;  
DACOR, INC.;  
EBAY, INC.;  
EPSON AMERICA, INC.;  
GENERAL DYNAMICS CORP.;  
GSI COMMERCE, INC.;  
HALLIBURTON COMPANY;  
HALLIBURTON ENERGY SERVICES, INC.;  
HASBRO, INC.;  
HERMAN MILLER, INC.;  
HSN, INC.;  
HSN INTERACTIVE LLC;  
J. JILL GROUP, INC.;  
OTIS ELEVATOR CO.;  
PITNEY BOWES, INC.;  
POLARIS INDUSTRIES, INC.;  
POLO RALPH LAUREN CORPORATION;  
PRATT & WHITNEY POWER SYSTEMS, INC.;  
PRATT & WHITNEY ROCKETDYNE, INC.;  
QVC, INC.;  
RALPH LAUREN MEDIA, LLC;  
ROLEX SA;  
ROLEX WATCH USA INC.;  
SEA RAY BOATS, INC.;  
SEIKO EPSON CORP.;  
SIKORSKY AIRCRAFT CORP.;  
SUB-ZERO, INC.;

THE TALBOTS, INC.;  
TEXTRON, INC.;  
TOMMY HILFIGER U.S.A., INC.;  
TOMMY HILFIGER LICENSING, LLC;  
UNITED TECHNOLOGIES CORP.;  
UTC FIRE & SECURITY CORPORATION;  
UTC POWER CORP.;  
UTC POWER, LLC; AND  
WOLF APPLIANCE, INC.

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Clear with Computers, LLC makes the following allegations against BASSETT FURNITURE INDUSTRIES, INC.; BELL HELICOPTER TEXTRON INC.; THE BOEING COMPANY; BOSTON WHALER, INC; BROYHILL FURNITURE INDUSTRIES, INC.; BRUNSWICK CORPORATION; BRUNSWICK INTERNATIONAL LIMITED; CABELA'S, INC.; CARRIER CORPORATION; CRUTCHFIELD CORP.; CRUTCHFIELD NEW MEDIA, LLC; DACOR HOLDINGS, INC; DACOR, INC.; EBAY, INC.; EPSON AMERICA, INC.; GENERAL DYNAMICS CORP.; GSI COMMERCE, INC.; HALLIBURTON COMPANY; HALLIBURTON ENERGY SERVICES, INC.; HASBRO, INC.; HERMAN MILLER, INC.; HSN, INC.; HSN INTERACTIVE LLC; J. JILL GROUP, INC.; OTIS ELEVATOR CO.; PITNEY BOWES, INC.; POLARIS INDUSTRIES, INC.; POLO RALPH LAUREN CORPORATION; PRATT & WHITNEY POWER SYSTEMS, INC.; PRATT & WHITNEY ROCKETDYNE, INC.; QVC, INC.; RALPH LAUREN MEDIA, LLC; ROLEX SA; ROLEX WATCH USA INC.; SEA RAY BOATS, INC.; SEIKO EPSON CORP.; SIKORSKY AIRCRAFT CORP.; SUB-ZERO, INC.; THE TALBOTS, INC.; TEXTRON, INC.; TOMMY HILFIGER U.S.A., INC.; TOMMY HILFIGER LICENSING, LLC; UNITED TECHNOLOGIES CORP.; UTC FIRE & SECURITY

CORPORATION; UTC POWER CORP.; UTC POWER, LLC; AND WOLF APPLIANCE, INC. (collectively the "Defendants").

**PARTIES**

1. Plaintiff Clear With Computers, LLC ("CWC") is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670. CWC was formerly known as Orion IP, LLC.

2. On information and belief, Defendant BASSETT FURNITURE INDUSTRIES, INC. ("BASSETT") is a Virginia corporation with its principal place of business at 3525 Fairystone Park Highway, Bassett, VA 24055. BASSETT has appointed Jay R. Hervey, P.O. Box 626 Bassett, VA 24055-0626 as its agent for service of process.

3. On information and belief, Defendant BELL HELICOPTER TEXTRON INC. ("BELL") is a Delaware corporation with its principal place of business at 40 Westminster Street, Providence, RI 02903-2525. BELL has appointed Timothy John Harrington, 600 E. Hurst Blvd, Hurst, TX 76053-8030 as its agent for service of process.

4. On information and belief, Defendant THE BOEING COMPANY ("BOEING") is a Delaware corporation with its principal place of business at 100 N. Riverside Plaza, Chicago, IL 60606-1501. BOEING has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701-3232 as its agent for service of process.

5. On information and belief, Defendant BOSTON WHALER, INC. ("WHALER") is a Delaware corporation with its principal place of business at 100 Whaler Way, Edgewater, FL 32141. WHALER has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801 as its agent for service of process.

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

**CONSTELLATION IP, LLC,  
a Texas Limited Liability Corporation**

**Plaintiff,**

**v.**

- 1. AVIS BUDGET GROUP, INC.,**
- 2. AVIS RENT A CAR SYSTEM, LLC,**
- 3. BUDGET RENT A CAR SYSTEM, INC.,**
- 4. WYNDHAM WORLDWIDE  
CORPORATION,**
- 5. STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC.,**
- 6. NATIONWIDE MUTUAL INSURANCE  
COMPANY,**
- 7. COMPARISONMARKET INSURANCE  
AGENCY, INC.,**
- 8. ESURANCE, INC.,**
- 9. TRAVELPORT, INC.,**
- 10. ORBITZ, LLC,**
- 11. AWAY.COM, INC.,**
- 12. CHEAPTICKETS, INC.,**
- 13. LA QUINTA MANAGEMENT, LLC, and**
- 14. GALILEO INTERNATIONAL, LLC,**

**Defendants.**

**Civil Action No. 5:07-cv-0038  
JURY TRIAL DEMANDED**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

This is an action for patent infringement in which Constellation IP, LLC makes the following allegations against Avis Budget Group, Inc., Avis Rent A Car System, LLC, Budget Rent A Car System, Inc., Wyndham Worldwide Corporation, Starwood Hotels & Resorts Worldwide, Inc., Nationwide Mutual Insurance Company, Comparisonmarket Insurance Agency, Inc., eSurance, Inc., Travelport, Inc., Orbitz, LLC, Away.com, Inc., CheapTickets, Inc., La Quinta Management, LLC, and Galileo International, LLC (collectively the "Defendants").

**PARTIES**

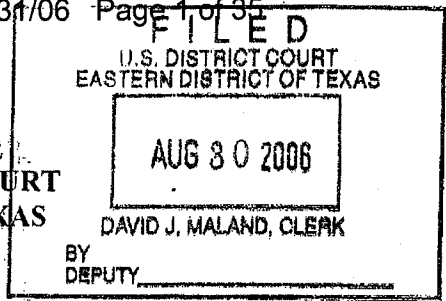
1. Plaintiff Constellation IP, LLC (“Constellation”) is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, Defendant Avis Budget Group, Inc. (“Avis”) is a Delaware corporation with its principal place of business located at 6 Sylvan Way, Parsippany, New Jersey 07054. Avis has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 as its agent for service of process.

3. On information and belief, Defendant Avis Rent A Car System, LLC (“Avis Rent A Car System”) is a Delaware corporation with its principal place of business located at 6 Sylvan Way, Parsippany, New Jersey 07054. Avis Rent A Car System is qualified to do business in the State of Texas and has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701 as its agent for service of process.

4. On information and belief, Defendant Budget Rent A Car System, Inc. (“Budget Rent A Car System”) is a Delaware corporation with its principal place of business located at 6 Sylvan Way, Parsippany, New Jersey 07054. Budget Rent A Car System has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 as its agent for service of process.

5. On information and belief, Defendant Wyndham Worldwide Corporation (“Wyndham”) is a Delaware corporation with its principal place of business located at 1 Sylvan Way, Parsippany, New Jersey 07054. Wyndham has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 as its agent for service of process.



RECEIVED  
U.S. DISTRICT COURT  
MARSHALL DIVISION

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

**CUSHION TECHNOLOGIES, LLC,**  
A Texas Limited Liability Company

Plaintiff,

v.

**ADIDAS SALOMON NORTH AMERICA,  
INC.,  
ADIDAS AMERICA, INC. (d/b/a ADIDAS  
INTERNATIONAL),  
ADIDAS PROMOTIONAL RETAIL  
OPERATIONS, INC.,  
NEW BALANCE ATHLETIC SHOE, INC.,  
REEBOK INTERNATIONAL, LTD.,  
THE ROCKPORT COMPANY, LLC,  
JONES APPAREL GROUP, INC.  
THE TIMBERLAND COMPANY,  
ALLEN EDMONDS SHOE CORPORATION,  
ECCO USA, INC.,  
SKECHERS USA, INC.,  
K-SWISS, INC.,  
CLARKS COMPANIES NORTH AMERICA,  
WOLVERINE WORD WIDE, INC.,  
L.A. GEAR, INC.,  
COLUMBIA SPORTSWEAR COMPANY,  
KEEN, LLC,  
DECKERS OUTDOOR CORPORATION,  
ASICS AMERICA CORPORATION,  
FILA USA, INC.,  
MIZUNO USA, INC.,  
SAUCONY, INC.,  
BIG 5 SPORTING GOOD CORPORATION,  
FOOT LOCKER, INC.,  
DICK'S SPORTING GOODS, INC.,  
MODELL'S SPORTING GOODS, INC.,  
THE SPORTS AUTHORITY, INC.,  
ATHLETE'S FOOT BRANDS, INC.,  
TJX COMPANIES, INC.,  
DSW, INC.,  
BROWN SHOE COMPANY, INC.,  
PAYLESS SHOESOURCE, INC.,  
THE FINISH LINE, INC.,**

Civil Action No. 2-06CV-347

TJW

JURY TRIAL DEMANDED

**SHOE CARNIVAL INC., and  
ZAPPOS.COM, INC.,**

**Defendants.**

**PLAINTIFF CUSHION TECHNOLOGIES, LLC's ORIGINAL  
COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Cushion Technologies, LLC ("Cushion Technologies") makes the following allegations against Adidas Salomon North America, Inc, Adidas America, Inc (d/b/a Adidas International), Adidas Promotional Retail Operations, Inc., New Balance Athletic Shoe, Inc., Reebok International, Ltd , The Rockport Company, LLC, Jones Apparel Group, Inc , The Timberland Company, Allen Edmonds Shoe Corporation, ECCO USA, Inc., Skechers USA, Inc., K-Swiss, Inc., Clarks Companies North America, Wolverine World Wide, Inc., L A. Gear, Inc., Columbia Sportswear Company, Keen, LLC, Deckers Outdoor Corporation, Asics America Corporation, Fila USA, Inc , Mizuno USA, Inc., Saucony, Inc , Big 5 Sporting Good Corporation, Foot Locker, Inc., Dick's Sporting Goods, Inc., Modell's Sporting Goods, Inc , The Sports Authority, Inc., Athlete's Foot Brands, Inc., TJX Companies, Inc., DSW, Inc., Brown Shoe Company, Inc , Payless Shoesource, Inc., The Finish Line, Inc., Shoe Carnival Inc , and Zappos Com, Inc

**PARTIES**

1. Plaintiff Cushion Technologies is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, defendant Adidas Salomon North America, Inc. ("Adidas Salomon") is a Delaware corporation with its corporate headquarters and principal place of business at 5055 North Greeley Avenue, Portland, Oregon 97217-3254



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

FPX, LLC (D.B.A. FIREPOND)

Individually and on Behalf of All  
Others Similarly Situated,

Plaintiff,

v.

- (1) GOOGLE, INC.;
- (2) YOUTUBE, LLC;
- (3) AOL, LLC;
- (4) TURNER BROADCASTING SYSTEM,  
INC.;
- (5) MYSPACE, INC. AND
- (6) IAC/INTERACTIVECORP

Defendants.

Civil Action No. \_\_\_\_\_

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

**CLASS ACTION COMPLAINT**

This is a class action complaint in which Plaintiff, FPX, LLC (doing business as “Firepond”) on behalf of itself and all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, by and through the undersigned Counsel of Record, complain and allege, upon information and belief, except as to those paragraphs applicable to the named Plaintiff, which are based on personal knowledge, against Defendants Google, Inc., YouTube, LLC, AOL, LLC, Turner Broadcasting System, Inc., MySpace, Inc. and IAC/InterActiveCorp as follows:

**PARTIES**

- 1. Plaintiff and Class Representative:
  - a. Plaintiff, FPX, LLC (“Firepond”) is a Texas limited liability company with its principal place of business at 207C N Washington Street, Marshall, TX.

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

FILED-CLERK  
U.S. DISTRICT COURT  
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TEXAS-EASTERN

GEMINI IP, LLC

Plaintiff,

v.

- (1) CITRIX SYSTEMS, INC.,
- (2) MITEL NETWORKS CORPORATION,
- (3) INTER-TEL (DELAWARE),  
INCORPORATED,
- (4) AVOCENT CORPORATION,
- (5) LANDESK SOFTWARE, INC.,
- (6) SABA SOFTWARE, INC.,
- (7) GENESYS S.A. d/b/a GENESYS  
CONFERENCING,
- (8) GENESYS CONFERENCING, INC.,
- (9) PREMIERE GLOBAL SERVICES, INC.,
- (10) NETSPOKE, INC., and
- (11) IMEET, INC.

Defendants.

BY \_\_\_\_\_

Civil Action No. 4:07CV521

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Gemini IP, LLC ("Gemini") makes the following allegations against Citrix Systems, Inc., Mitel Networks Corporation, Inter-Tel (Delaware), Incorporated, Avocent Corporation, LANDesk Software, Inc., Saba Software, Inc., Genesys S.A. d/b/a Genesys Conferencing, Genesys Conferencing, Inc., Premiere Global Services, Inc., Netspoke, Inc., and iMeet, Inc. (collectively the "Defendants").

**PARTIES**

1. Plaintiff Gemini IP, LLC ("Gemini") is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

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

05 MAR 16 AM 8:11  
MARSHALL

ORION IP, LLC,

Plaintiff,

v.

NIKE, INC.,  
ADIDAS SALOMON NORTH AMERICA,  
INC.,  
ADIDAS AMERICA, INC. (d/b/a ADIDAS  
INTERNATIONAL),  
ADIDAS PROMOTIONAL RETAIL  
OPERATIONS, INC.,  
BEST BUY CO. INC.,  
LOWES COMPANIES, INC.,  
AUTOZONE, INC.,  
GATEWAY, INC.,  
EMACHINES, INC.,  
PACCAR, INC.,  
PACCAR SALES NORTH AMERICA, INC.,  
PACCAR FINANCIAL SERVICES CORP.,  
LENOVO, INC.,  
SEARS HOLDING CORPORATION,  
SEARS, ROEBUCK & CO.,  
LANDS' END, INC., and  
KMART HOLDING CORPORATION

Defendants.

Civil Action No. 2-06CV-102

JURY DEMANDED

Tgw

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Orion IP, LLC makes the following allegations against Nike, Inc., Adidas Salomon North America, Inc., Adidas America, Inc. (d/b/a Adidas International), Adidas Promotional Retail Operations, Inc., Best Buy Co. Inc., Lowes Companies, Inc., AutoZone, Inc., Gateway, Inc., eMachines, Inc., Paccar, Inc., Paccar Sales

North America, Inc., Paccar Financial Services Corp., Lenovo, Inc., Sears Holding Corporation, Sears, Roebuck & Co., Lands' End, Inc. and Kmart Holding Corporation.

**PARTIES**

1. Plaintiff Orion IP, LLC ("Orion") is a Delaware limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, defendant Nike, Inc. ("Nike") is an Oregon corporation with its corporate headquarters and principal place of business at One Bowerman Drive, Beaverton, Oregon 97005-6453.

3. On information and belief, defendant Adidas Salomon North America, Inc. ("Adidas Salomon") is a Delaware corporation with its corporate headquarters and principal place of business at 5055 North Greeley Avenue, Portland, Oregon 97217-3254.

4. On information and belief, defendant Adidas America, Inc. (d/b/a Adidas International) ("Adidas America") is a Delaware corporation with its corporate headquarters and principal place of business at 5055 North Greeley Avenue, Portland, Oregon 97217-3254.

5. On information and belief, defendant Adidas Promotional Retail Operations, Inc. ("Adidas Promotional") is an Oregon corporation with its corporate headquarters and principal place of business at 5055 North Greeley Avenue, Portland, Oregon 97217-3254.

6. On information and belief, defendant Best Buy Co., Inc. ("Best Buy") is a Minnesota corporation with its corporate headquarters and principal place of business at 7601 Penn Avenue South, Richfield, Minnesota 55423.

7. On information and belief, defendant Lowes Companies, Inc. ("Lowes") is a North Carolina corporation with its corporate headquarters and principal place of business at 1000 Lowe's Boulevard, Mooresville, North Carolina 28117.

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

FILED-CLERK  
U.S. DISTRICT COURT  
2007 NOV -2 PM 2:10  
TX EASTERN-MARSHALL

PA ADVISORS, LLC

Plaintiff,

v.

- (1) GOOGLE INC.,
- (2) YAHOO! INC.,
- (3) FACEBOOK, INC.,
- (4) CONTEXTWEB, INC.,
- (5) SPECIFIC MEDIA, INC.,
- (6) FAST SEARCH & TRANSFER ASA,
- (7) FAST SEARCH & TRANSFER, INC.,
- (8) AGENTARTS, INC.,
- (9) SEEVAST CORPORATION,
- (10) PULSE 360, INC.,
- (11) WPP GROUP USA, INC.,
- (12) WPP GROUP PLC, AND
- (13) 24/7 REAL MEDIA, INC.

Defendants.

Civil Action No. 2-07 CV-480 TJS

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which PA Advisors, LLC ("PA Advisors") makes the following allegations against Google Inc., Yahoo! Inc., Facebook, Inc., ContextWeb, Inc., Specific Media, Inc., Fast Search & Transfer ASA, Fast Search & Transfer, Inc., AgentArts, Inc., Seevast Corporation, Pulse 360, Inc., WPP Group USA, Inc., WPP Group plc, and 24/7 Real Media, Inc. (collectively the "Defendants").

**PARTIES**

1. Plaintiff PA Advisors, LLC ("PA Advisors") is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

CLERK  
DISTRICT COURT

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OF EASTERN-MARSHALL

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BY \_\_\_\_\_

**PHOENIX IP, LLC**  
A Texas Limited Liability Corporation  
  
**Plaintiff,**  
  
v.  
  
**ITRON, INC.**  
  
**Defendant**

Civil Action No **2-06CV-61**

*TJW*

**JURY DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Phoenix IP, LLC ("Phoenix") alleges that Itron, Inc. ("Itron"), directly and/or indirectly infringes one or more patents owned by Plaintiff. In support thereof, Plaintiff hereby files this complaint and respectfully alleges as follows:

**THE PARTIES**

1. Phoenix is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue Marshall, Texas 75670

2. Itron is a Washington corporation with its principal place of business located at 2818 N Sullivan Road, Spokane, Washington 99216

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws of the United States, Title 35 of the United States Code

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FILED - 03/16/06  
U.S. DISTRICT COURT

05 MAR 16 PM 1:01

TO: EASTERN-MARSHALL

**POLARIS IP, LLC**  
A Texas Limited Liability Company

**Plaintiff,**

v.

**SIRIUS SATELLITE RADIO, INC.,**

**KANA SOFTWARE, INC.,**

**PRICELINE.COM, INC.,**

**CAPITAL ONE FINANCIAL  
CORPORATION,**

**CAPITAL ONE SERVICES, INC.,**

**CAPITAL ONE BANK, INC.,**

**CAPITAL ONE AUTO FINANCE, INC.,**

**CONTINENTAL AIRLINES, INC.,**

and

**E\*TRADE FINANCIAL CORP.**

**Defendants**

Civil Action No.: **2-06-CV-103** *TJW*

**JURY TRIAL DEMANDED**

**PLAINTIFF POLARIS IP, LLC'S ORIGINAL COMPLAINT  
FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Polaris IP, LLC ("Polaris") alleges that Sirius Satellite Radio, Inc. ("Sirius"), KANA Software, Inc. ("KANA"), Priceline.com, Inc. ("Priceline"), Capital One Financial Corporation ("Capital One"), Capital One Services, Inc. ("Capital One Services"), Capital One Bank, Inc. ("Capital One Bank"), Capital One Auto Finance, Inc. ("Capital One Auto"), Continental Airlines, Inc. ("Continental"), and E\*TRADE

Financial Corp. ("E\*TRADE") directly or indirectly infringed and will continue to infringe one or more patents identified below that are owned by Polaris. In support thereof, Polaris hereby files this complaint and respectfully alleges as follows:

**THE PARTIES**

1 Polaris is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2 On information and belief, defendant Sirius Satellite Radio, Inc. is a Delaware corporation with its principal place of business located at 1221 Avenue of the Americas, 36<sup>th</sup> Floor, New York, New York 10020.

3 On information and belief, defendant KANA Software, Inc. is a Delaware corporation with its principal place of business located at 181 Constitution Drive, Menlo Park, California 94025.

4 On information and belief, defendant Priceline.com, Inc. is a Delaware corporation with its principal place of business located at 800 Connecticut Avenue, Norwalk, Connecticut 06854.

5 On information and belief, defendant Capital One Financial Corporation is a Delaware corporation with its principal place of business located at 1680 Capital One Drive, McLean, Virginia 22102.

6 On information and belief, defendant Capital One Services, Inc. is a Delaware corporation with its principal place of business located at 1680 Capital One Drive, McLean, Virginia 22102.

7 On information and belief, defendant Capital One Bank, Inc. is a Virginia corporation with its principal place of business located at 1680 Capital One Drive, McLean, Virginia 22102.



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

**SFA SYSTEMS, LLC,  
Plaintiff,**

**v.**

- 1. 1-800-FLOWERS.COM, INC.;**
- 2. THE PLOW & HEARTH, INC.,  
INCLUDING D/B/A WIND &  
WEATHER, INC.;**
- 3. THE POPCORN FACTORY, INC.;**
- 4. WINETASTING NETWORK INC.;**
- 5. THE CHILDREN'S GROUP, INC.;**
- 6. PROBLEM SOLVERS, INC.;**
- 7. BARNES & NOBLE, INC. ;**
- 8. BARNESANDNOBLE.COM LLC;**
- 9. BLOCKBUSTER INC. ;**
- 10. BUILD-A-BEAR WORKSHOP, INC.;**
- 11. CDW CORPORATION;**
- 12. GAMESTOP CORP.;**
- 13. GAMESTOP, INC.;**
- 14. GAMESTOP.COM, INC.;**
- 15. GANDER MOUNTAIN COMPANY;**
- 16. OVERTON'S INC.;**
- 17. J & R ELECTRONICS INC.;**
- 18. NEWEGG INC.;**
- 19. NEWEGG.COM INC.;**
- 20. NORTHERN TOOL & EQUIPMENT  
COMPANY;**
- 21. NORTHERN TOOL AND EQUIPMENT  
CATALOG CO. ;**
- 22. OFFICE DEPOT, INC. ;**
- 23. OMAHA STEAKS INTERNATIONAL,  
INC.;**
- 24. OMAHASTEAKS.COM, INC.;**
- 25. THE TIMBERLAND COMPANY;**
- 26. TUPPERWARE BRANDS  
CORPORATION; AND**
- 27. TUPPERWARE.COM, INC.,**

**Defendants.**

**Case No.**

**Jury Demanded**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

For its Complaint against 1-800-FLOWERS.COM, Inc., The Plow & Hearth, Inc., including The Plow & Hearth D/B/A Wind & Weather, Inc., The Popcorn Factory, Inc., Winetasting Network Inc., The Children's Group, Inc., Problem Solvers, Inc., Barnes & Noble, Inc., barnesandnoble.com llc, BLOCKBUSTER INC., BUILD-A-BEAR WORKSHOP, INC., CDW Corporation, GameStop Corp., GameStop, Inc., GameStop.com, Inc., GANDER MOUNTAIN COMPANY, Overton's Inc., J & R Electronics Inc., Newegg Inc., Newegg.com Inc., Northern Tool & Equipment Company, Northern Tool and Equipment Catalog Co., Office Depot, Inc., Omaha Steaks International, Inc., OmahaSteaks.com, Inc., The Timberland Company, TUPPERWARE BRANDS CORPORATION, and Tupperware.com, Inc. (collectively the "Defendants"), Plaintiff SFA Systems, LLC ("SFA") alleges as follows.

#### PARTIES

1. SFA is a Texas Limited Liability Company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, Defendant 1-800-FLOWERS.COM, Inc. ("1-800 Flowers") is a Delaware corporation with its corporate headquarters and principal place of business at One Old Country Road, Carle Place, New York 11514. 1-800 Flowers has appointed THE CORPORATION TRUST COMPANY, CORPORATION TRUST CENTER, 1209 ORANGE STREET, WILMINGTON, DE 19801 as its agent for service of process.

3. On information and belief, Defendant The Plow & Hearth, Inc., including The Plow & Hearth D/B/A Wind & Weather, Inc. ("Plow & Hearth") is a Virginia corporation with its corporate headquarters and principal place of business at One Old Country Road, Carle Place, New York 11514. Plow & Hearth has appointed V R SHACKELFORD III, 149 WEST MAIN ST, PO BOX 871, ORANGE, VA 22960 as its agent for service of process.

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

ST SALES TECH HOLDINGS, LLC

v.

Civil Action No. 6:07-cv-346-LED

- (1) DAIMLERCHRYSLER CO., LLC
- (2) DAIMLERCHRYSLER CORPORATION
- (3) CHRYSLER CORPORATION
- (4) FORD MOTOR COMPANY
- (5) HYUNDAI MOTOR AMERICA
- (6) LAND ROVER OF NORTH AMERICA, INC.
- (7) MAZDA MOTOR OF AMERICA, INC.
- (8) MERCEDES-BENZ, INC.
- (9) MERCEDES-BENZ USA, LLC; and
- (10) VOLVO CARS OF NORTH AMERICA, INC.

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff ST Sales Tech Holdings, LLC complains against DaimlerChrysler Company, LLC, DaimlerChrysler Corporation, Chrysler Corporation, Ford Motor Company, Hyundai Motor America, Mazda Motor of America, Inc., Mercedes-Benz, Inc., Mercedes-Benz USA, LLC and Volvo Cars of North America, Inc. (collectively "Defendants") as follows:

**PARTIES**

1. Plaintiff ST Sales Tech Holdings, LLC ("Sales Tech") is a Texas limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, Defendant DaimlerChrysler Company, LLC ("DaimlerChrysler Co.") is a Delaware corporation with its principal place of business at 1000 Chrysler Drive, Auburn Hills, Michigan 48326. This Defendant may be served via its registered

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

**TQP DEVELOPMENT, LLC**  
Plaintiff,

v.

- (1) MERRILL LYNCH & CO., INC.
- (2) BANK OF AMERICA CORP.;
- (3) BANK OF AMERICA, N.A.;
- (4) CAPITAL ONE FINANCIAL CORPORATION;
- (5) CAPITAL ONE SERVICES, INC.;
- (6) CAPITAL ONE, NA;
- (7) COMERICA INCORPORATED;
- (8) COMERICA BANK AND TRUST, NA;
- (9) CITIGROUP INC.;
- (10) PRIMERICA FINANCIAL SERVICES, INC.;
- (11) CITIBANK NA;
- (12) CITIGROUP GLOBAL MARKETS INC. D/B/A SMITH BARNEY
- (13) E\*TRADE FINANCIAL CORPORATION;
- (14) FIDELITY INVESTMENTS, INC.
- (15) FMR LLC;
- (16) FMR CORP.;
- (17) THE GOLDMAN SACHS GROUP, INC.;
- (18) GOLDMAN, SACHS & CO.;
- (19) ING GROEP N.V.;
- (20) ING BANK FSB;
- (21) SHAREBUILDER SECURITIES CORPORATION
- (22) SHAREBUILDER CORPORATION;
- (23) MORGAN STANLEY;
- (24) MORGAN STANLEY & CO., INC.;
- (25) THE ROYAL BANK OF SCOTLAND GROUP PLC;
- (26) CITIZENS FINANCIAL GROUP, INC.;
- (27) RBS CITIZENS, N.A.;
- (28) JPMORGAN CHASE & CO.;

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

- (29) JPMORGAN CHASE BANK NA;
- (30) RAYMOND JAMES FINANCIAL, INC.;
- (31) TD AMERITRADE HOLDING CORPORATION;
- (32) TD AMERITRADE, INC.;
- (33) REGIONS FINANCIAL CORPORATION;
- (34) NATIONAL CITY CORPORATION;
- (35) NATIONAL CITY BANK;
- (36) INTERNATIONAL BANCSHARES CORPORATION;
- (37) IBC SUBSIDIARY CORPORATION;
- (38) INTERNATIONAL BANK OF COMMERCE;
- (39) AMEGY CORPORATION;
- (40) AMEGY BANK, NA D/B/A AMEGY BANK OF TEXAS;
- (41) FIFTH THIRD BANCORP; AND
- (42) FIFTH THIRD BANK.

Defendants.

### **COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which TQP Development, LLC (“TQP”) makes the following allegations against Merrill Lynch & Co., Inc., Bank of America Corp., Bank of America, N.A., Capital One Financial Corporation, Capital One Services, Inc., Capital One, National Association, Comerica Incorporated, Comerica Bank and Trust, NA, Citigroup Inc., Primerica Financial Services, Inc., Citibank, NA, Citigroup Global Markets Inc. d/b/a Smith Barney, E\*Trade Financial Corporation, Fidelity Investments, Inc., FMR LLC, FMR Corp., The Goldman Sachs Group, Inc., Goldman, Sachs & Co., ING Groep N.V., ING Bank FSB, ShareBuilder Securities Corporation, ShareBuilder Corporation, Morgan Stanley, Morgan Stanley & Co. Inc., The Royal Bank of Scotland Group PLC, Citizens Financial Group, Inc., RBS Citizens, N.A., JPMorgan Chase & Co., JPMorgan Chase Bank NA, Raymond James Financial, Inc., TD AMERITADE Holding Corporation, TD AMERITRADE, Inc., Regions

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

FILED-CLERK  
U.S. DISTRICT COURT

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TX EASTERN-MARSHALL

TRITON IP, LLC,  
a Texas Limited Liability Corporation,  
Plaintiff,

v.

1. INFOR GLOBAL SOLUTIONS  
(CHICAGO), INC.; and
2. INFOR GLOBAL SOLUTIONS  
(MICHIGAN), INC. ,

Defendants.

BY \_\_\_\_\_

Case No. **2-07-CV-172**

DF

Jury Demanded

**COMPLAINT AND DEMAND FOR JURY TRIAL**

For its Complaint against Infor Global Solutions (Chicago), Inc. ("Infor Chicago") and Infor Global Solutions (Michigan), Inc. ("Infor Michigan") (collectively the "Defendants"), Plaintiff Triton IP, LLC ("Triton") alleges as follows.

**PARTIES**

1. Triton is a Texas Limited Liability Company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.
2. On information and belief, Defendant Infor Chicago is a Delaware corporation with its corporate headquarters and principal place of business at 13560 Morris Road, Suite 4100, Alpharetta, Gerogia.
3. 2. On information and belief, Defendant Infor Michigan is a Delaware corporation with its corporate headquarters and principal place of business at 13560 Morris Road, Suite 4100, Alpharetta, Gerogia.