

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

UNILOC USA, INC. AND UNILOC LUXEMBOURG
S.A.,

Plaintiffs,

v.

DREAMSTIME.COM, LLC D/B/A DREAMSTIME, LLC
D/B/A DREAMSTIME
Defendants.

CIVIL ACTION NO. 6:12-cv-424

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Uniloc USA, Inc. and Uniloc Luxembourg S.A. (together “Uniloc” or “Plaintiffs”) file this Complaint against DREAMSTIME.COM, LLC d/b/a DREAMSTIME, LLC d/b/a DREAMSTIME demand a trial by jury and allege as follows:

PARTIES

1. Plaintiff Uniloc USA, Inc. is a Texas corporation having its headquarters and principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024. Uniloc USA, Inc. also maintains a place of business at 315 North Broadway, Suite 307, Tyler, Texas 75702.

2. Plaintiff Uniloc Luxembourg S.A. is a Luxembourg corporation having a principal place of business at 15, Rue Edward Steichen, Luxembourg L-2540.

3. Uniloc USA, Inc. and Uniloc Luxembourg S.A. (collectively “Uniloc”) researches, develops, manufactures and licenses information security technology solutions, platforms and frameworks, including solutions for securing software applications and digital content. Uniloc’s patented technologies enable software and content publishers to securely distribute and sell their

high-value technology assets with minimum burden to their legitimate end users. Uniloc's technology is used in several markets, including software and game security, identity management, intellectual property rights management, and critical infrastructure security.

4. United States Patent No. 7,099,849 ("the '849 Patent") entitled "Integrated Media Management and Rights Distribution Apparatus" is generally directed to an integrated rights management and licensing system for storing, researching, buying, and selling intellectual property rights.

5. On information and belief, Defendant DREAMSTIME.COM, LLC d/b/a DREAMSTIME, LLC d/b/a DREAMSTIME ("Dreamstime") is a Florida Corporation with its principal place of business at 1616 Westgate Circle, Brentwood, Tennessee 37027. Dreamstime has appointed Bryn & Associates, P.A., 2 South Biscayne Blvd., Suite 2680, Miami, Florida 33131 as its registered agent for service of process. On information and belief, Dreamstime regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

JURISDICTION AND VENUE

6. 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).

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b). Without limitation, on information and belief, Dreamstime is subject to personal jurisdiction in this district, has transacted business in this district, and has committed acts of patent infringement in this district, including via its website.

8. On information and belief, Dreamstime 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 district, including related to the infringements alleged herein. Further, on information and belief, Dreamstime has an interactive website comprising infringing methods, systems, and apparatuses which are at least used in and/or accessible in this district. Further, on information and belief, Dreamstime 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.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,099,849

9. The '849 patent was duly and legally issued by the United States Patent and Trademark Office on August 29, 2006 after full and fair examination.

10. Uniloc is the owner of all rights, title, and interest in and to the '849 patent and has standing to bring this lawsuit for infringement of the '849 patent.

11. The claims of the '849 patent cover, *inter alia*, systems for managing intellectual property rights, such systems including: modules to receive over a network information related to intellectual property rights for at least a first and second properties from at least a first and second intellectual property owner, a repository for storing the information related to the intellectual properties, and modules configured to: visually present to potential licensees license forms including terms defined by intellectual property rights licensors; receive data entered into the license forms, including a request to license the intellectual property rights; determine if the rights are available; submit the license request for approval; and transmit the license approval to potential licensees.

12. On information and belief, Dreamstime owns and/or operates the highly interactive website found at www.dreamstime.com.

13. On information and belief, Dreamstime has been and is now infringing the '849 patent in violation of 35 U.S.C. § 271 in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising the making, using, selling and/or offering to sell methods, apparatuses and systems for licensing, storing, managing, researching, buying, and/or selling intellectual property rights, including, *inter alia*, systems including: modules to receive over a network information related to intellectual property rights for at least a first and second properties from at least a first and second intellectual property owner, a repository for storing the information related to the intellectual properties, and modules configured to: visually present to potential licensees license forms including terms defined by intellectual property rights licensors; receive data entered into the license forms, including a request to license the intellectual property rights; determine if the rights are available; submit the license request for approval; and transmit the license approval to potential licensees.

14. On information and belief, such apparatuses, methods, and systems comprise Dreamstime's website for licensing intellectual property and media content, namely www.dreamstime.com. Dreamstime is thus liable for infringement of the '849 patent pursuant to 35 U.S.C. § 271.

15. To the extent that facts learned during the pendency of this case show that Dreamstime's infringement of the '849 patent includes indirect infringement, Uniloc reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

16. To the extent that facts learned during the pendency of this case show that Dreamstime's infringement of the '849 patent includes contributory infringement, Uniloc

reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

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

18. To the extent that facts learned during the pendency of this case show that Dreamstime’s infringement of the ‘849 patent is or has been willful, Uniloc reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

19. As a result of Dreamstime’s infringing conduct, Dreamstime’s has damaged Uniloc. Dreamstime’s is liable to Uniloc in an amount that adequately compensates Uniloc for their infringement, which, by law, can be no less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Uniloc respectfully requests that this Court enter:

1. A judgment in favor of Uniloc that Dreamstime has infringed the ‘849 patent;
2. A permanent injunction enjoining Dreamstime, and its officers, managers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the ‘849 patent;
3. A judgment and order requiring Dreamstime to pay Uniloc its damages, costs, expenses, fees and prejudgment and post-judgment interest for Dreamstime’s infringement of the ‘849 patent as provided under 35 U.S.C. §§ 284 and/or 285; and
4. Any and all other relief to which Uniloc may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

June 29, 2012

Respectfully submitted,

/s/ Andrew P. Tower w/permission Wes Hill

Andrew P. Tower – LEAD COUNSEL
Texas Bar No. 786291
Michael J. Collins
Texas Bar No. 4614510
Johnathan K. Yazdani
Texas Bar No. 24079616
COLLINS, EDMONDS POGORZELSKI
SCHLATHER & TOWER, PLLC
1616 S. Voss Road, Suite 125
Houston, Texas 77057
Telephone: (281) 501-3425
Facsimile: (832) 415-2535
atower@cepiplaw.com
mcollins@cepiplaw.com
jyazdani@cepiplaw.com

James Etheridge
Texas Bar No. 24059147
ETHERIDGE LAW GROUP, PLLC
2600 E. Southlake Blvd., Suite 120 / 324
Southlake, TX 76092
Telephone: (817) 470-7249
Facsimile: (817) 887-5950
Jim@EtheridgeLaw.com

Wesley Hill
Texas State Bar No. 24032294
WARD & SMITH LAW FIRM
1127 Judson Road, Suite 220
Longview, Texas 75601
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
wh@wsfirm.com

ATTORNEYS FOR PLAINTIFFS
UNILOC USA, INC. and UNILOC
LUXEMBOURG S.A.