FILED by RB D.C.
ELECTRONIC
DEC. 5, 2007
CLARENCE MADDOX
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S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(PALM BEACH COUNTY)

Case No. **07-81149-CIV-MARRA/JOHNSON**

GLOBAL PATENT HOLDINGS, LLC)
)
Plaintiff,)
)
v.)
) JURY DEMAND
)
ADT SECURITY SERVICES, INC.,)
AUTONATION, INC., FLORIDA)
CRYSTALS CORP., HEARUSA, INC.,)
MOVIETICKETS.COM, INC.,)
OCWEN FINANCIAL CORP. and)
TIRE KINGDOM, INC.)
)
Defendants.)

COMPLAINT

Plaintiff, Global Patent Holdings, LLC ("GPH"), hereby complains of the defendants ADT Security Services, Inc. ("ADT"), AutoNation, Inc. ("AutoNation"), Florida Crystals Corp. ("Florida Crystals"), HearUSA, Inc. ("HearUSA"), MovieTickets.com, Inc. ("MovieTickets"), Ocwen Financial Corporation ("Ocwen") and Tire Kingdom, Inc. ("Tire Kingdom") as follows:

PARTIES

1. Global Patent Holdings, LLC is a Delaware limited liability company with offices at 500 Skokie Blvd., #350, Northbrook, Illinois 60062. It owns the full and exclusive right, title and interest in United States Patent No. 5,253,341 C1 entitled "Remote Query Communication System" issued October 12, 1993 (hereafter "the '341 patent"). After a seven-year

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seven-year reexamination involving numerous additional prior art, the reexamination certificate confirming the validity of the '341 patent issued on July 24, 2007 (Exhibit A).

2. Defendant ADT is a Delaware corporation with principal offices at 1 Town Center Road, Boca Raton, Florida 33486.

3. Defendant AutoNation is a Delaware corporation with principal offices at 110 S.E. 6th Street, Fort Lauderdale, Florida 33301.

4. Defendant Florida Crystals Corporation is a Delaware corporation with principal offices at One North Clematis Street, Suite 200, West Palm Beach, Florida 33401.

5. Defendant HearUSA is a Delaware corporation with principal offices at 1250 Northpoint Parkway, West Palm Beach, Florida 33407.

6. Defendant MovieTickets.com is a Delaware corporation with principal offices at 2255 Glades Rd., Suite 221A, Boca Raton, Florida 33431.

7. Defendant Ocwen is a Florida corporation with principal offices at 1661 Worthington Road, Suite 100, West Palm Beach, Florida 33409.

8. Defendant Tire Kingdom is a Florida corporation with principal offices at 823 Donald Ross Road, Juno Beach, Florida 33408.

JURISDICTION AND VENUE

9. This is a claim for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

10. Defendants all have their principal offices in and transact substantial business in this judicial district by advertising, promoting, offering to sell and selling products and services to customers located in this judicial district and elsewhere in the United States.

11. Venue is, therefore, proper in this district under 28 U.S.C. § 1391(c) and 28 U.S.C. § 1400(b).

PATENT INFRINGEMENT

12. As set forth above, GPH owns and has standing to sue for infringement of United States Patent No. 5,253,341 C1.

13. Defendants have each infringed claim 17 of the '341 patent by downloading responsive data, including audio/visual and graphical presentations, such as JPEG images and/or other compressed data, on their web sites, whose home pages are all located on the Internet. The accused downloading utilizes a system employing both a server and an end-user station, which have asymmetric processing power capacities. The accused method further involves compression and inverse decompression techniques (including rendering JPEG images) which require less processing power for decompression and are asymmetric.

14. Defendants have knowingly and intentionally induced others to infringe (such as their web site users in this judicial district and throughout the United States) by willfully and intentionally aiding, assisting and encouraging their infringement within the meaning of 35 U.S.C. § 271(b).

15. Defendants have also knowingly contributed to others' infringement within the meaning of 35 U.S.C. § 271(c).

16. GPH has complied with 35 U.S.C. § 287.

17. ADT owns and operates a web site for the purpose of promoting, advertising, offering to sell and selling its security, surveillance and safety systems and services over the Internet. ADT does business in this district through its web sites, including, at least, www.adt.com, and through its authorized dealers that are located in this district.

18. AutoNation is an automotive retailer located in this district and, like other automotive retailers, owns and operates its web site for the purpose of promoting, advertising and offering to sell cars and other types of vehicles over the Internet. AutoNation does business in this district through its web site, www.autonation.com, and through its automotive retail outlets that are located in this district.

19. Florida Crystals is a sugar cane grower, manufacturer and distributor in this district that owns and operates its web site for the purpose of promoting, advertising and offering to sell its products over the Internet. Florida Crystals does business in this district through its web sites, including, at least www.floridacrystals.com.

20. HearUSA owns and operates a web site for the purpose of promoting, advertising, offering to sell and selling its hearing aids and other hearing related products over the Internet, as well as promoting and advertising its network of hearing care centers and providers. HearUSA does business in this district through its web sites, including, at least www.hearusa.com and through its hearing care centers and providers that are located in this district.

21. MovieTickets.com owns and operates a web site, www.movietickets.com, for the purpose of promoting, advertising, offering to sell and selling movie tickets to consumers in this district and elsewhere in the United States. MovieTickets.com, through its web site, also provides ticketing services for other web sites including, inter alia, http://movies.yahoo.com.

http://movies.yahoo.com. MovieTickets.com conducts business with consumers in this district through its web site, www.movietickets.com.

22. Ocwen is a provider of servicing and origination processing solutions to the loan industry and, like the other defendants, owns and operates its web site for the purpose of promoting, advertising and offering to sell its services over the Internet. Ocwen does business in this district through its web sites, including, at least, www.ocwen.com.

23. Tire Kingdom owns and operates a web site, http://tirekingdom.com, for the purpose of promoting, advertising and offering to sell its tires and automotive services in this district and elsewhere in the United States. Tire Kingdom does business in this district through its web site http://tirekingdom.com and through its tire and automotive services outlets that are located in this district.

24. Defendants' infringement has injured GPH and it is entitled to recover damages, under the law, adequate to compensate it for the infringement that has occurred, but in no event less than a reasonable royalty.

25. The infringement by the defendants has injured and will continue to injure GPH, unless and until such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, GPH, respectfully requests judgment against the defendants and their subsidiaries and affiliates as follows:

A. An award of damages adequate to compensate GPH for the infringement that has occurred, together with prejudgment interest from the date infringement of the '341 patent began;

B. Any other damages permitted by 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to GPH of its attorneys' fees as provided by 35 U.S.C. § 285;

D. An injunction permanently prohibiting the defendants, their customers and all persons in active concert or participation with them, from further acts of infringement of the '341 patent; and

E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Plaintiff, GPH, demands a trial by jury on all matters that can be properly submitted for resolution by a jury.

Dated: December 4, 2007

GLOBAL PATENT HOLDINGS, LLC

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JS 44 (Rev. 11/05)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

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I. (a) PLAINTIFFS

GLOBAL PATENT HOLDINGS, LLC

(b) County of Residence of First Listed Plaintiff Cook, Illinois
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Niro, Scavone, Haller & Niro, 181 West Madison, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

DEFENDANTS

ADT SECURITY SERVICES, INC. et al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: ☐ MIAMI- DADE ☐ MONROE ☐ BROWARD ☑ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff
☑ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

07CV 81149 KAM/LRS

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☐ 445 Amer w/Disabilities - Employment
☐ 446 Amer w/Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt.Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☒ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☑ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):

a) Re-filed Case ☐ YES ☐ NO JUDGE DOCKET NUMBER

b) Related Cases ☐ YES ☐ NO

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause **(Do not cite jurisdictional statutes unless diversity)**:

Title 35, U.S.C. Section 271, patent infringement

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☑ Yes ☐ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE
December 4, 2007

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