

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff LEON STAMBLER files this Original Complaint against the above-named Defendants, alleging as follows:

I. THE PARTIES

1. Plaintiff LEON STAMBLER ("Stambler") is an individual residing in Parkland, Florida.

2. Defendant AMAZON.COM, INC. is a Delaware corporation with its principal place of business in Seattle, Washington. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. Defendant AMAZON SERVICES LLC is a Nevada limited liability company with its principal place of business in Las Vegas, Nevada. This Defendant may be served with process through its registered agent, CSC Services of Nevada, 502 East John Street, Carson City, Nevada 89706.

4. Defendant AMR CORPORATION is a Delaware corporation with its principal place of business in Fort Worth, Texas. This Defendant may be served with process through its registered agent CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

5. Defendant AMERICAN AIRLINES, INC. is a Delaware corporation with its principal place of business in Fort Worth, Texas. This Defendant may be served with process through its registered agent CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

6. Defendant BARNES & NOBLE, INC. is a Delaware corporation with its principle place of business in New York, New York. This Defendant may be served with

process through its registered agent, Capitol Services, Inc., 615 South Dupont Highway, Dover, Delaware 19901.

7. Defendant BARNESANDNOBLE.COM LLC is a Delaware limited liability company with its principle place of business in New York, New York. This Defendant may be served with process through its registered agent, Capitol Services, Inc., 615 South Dupont Highway, Dover, Delaware 19901.

8. Defendant BEST BUY CO., INC. is a Minnesota corporation with its principal place of business in Richfield, Minnesota. This Defendant may be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

9. Defendant BESTBUY.COM, LLC is a Delaware limited liability company with its principal place of business in Richfield, Minnesota. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

10. Defendant DELL INC. is a Delaware corporation with its principle place of business in Round Rock, Texas. This Defendant may be served with process through its registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

11. Defendant EXPEDIA, INC. is a Delaware corporation with its principal place of business in Bellevue, Washington. This Defendant may be served with process through its registered agent, National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904.

12. Defendant GAMESTOP CORP. is a Delaware corporation with its principal place of business in Grapevine, Texas. This Defendant may be served with process through its

registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

13. Defendant GAMESTOP, INC. is a Minnesota corporation with its principal place of business in Grapevine, Texas. This Defendant may be served with process through its registered agent, The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

14. Defendant GAMESTOP.COM, INC. is a Delaware corporation with its principal place of business in Grapevine, Texas. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

15. Defendant THE HOME DEPOT, INC. is a Delaware corporation with its principal place of business in Atlanta, Georgia. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

16. Defendant HOME DEPOT U.S.A., INC. is a Delaware corporation with its principal place of business in Atlanta, Georgia. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

17. Defendant HOTELS.COM, L.P. is a Texas limited partnership with its principal place of business in Dallas, Texas. This Defendant may be served with process through its registered agent, National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, Texas 77062.

18. Defendant J.C. PENNEY COMPANY, INC. is a Delaware corporation with its principal place of business in Plano, Texas. This Defendant may be served with process through

its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

19. Defendant J.C. PENNEY CORPORATION, INC. is a Delaware corporation with its principal place of business in Plano, Texas. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington Delaware 19801.

20. Defendant MACY'S, INC. is a Delaware corporation with principal places of business in Cincinnati, Ohio and New York, New York. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

21. Defendant MACYS.COM, INC. is a New York corporation with its principal place of business in San Francisco, California. This Defendant may be served with process through its registered agent, Corporation Service Company, 80 State Street, Albany, New York 12207.

22. Defendant NEIMAN MARCUS, INC. is a Delaware corporation with its principal place of business in Dallas, Texas. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

23. Defendant THE NEIMAN MARCUS GROUP, INC. is a Delaware corporation with its principal place of business in Dallas, Texas. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

24. Defendant NEWEGG INC. is a Delaware corporation with its principal place of business in City of Industry, California. This Defendant may be served with process through its

registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

25. Defendant NEWEGG.COM INC. is a Delaware corporation with its principal place of business in City of Industry, California. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

26. Defendant OFFICE DEPOT, INC. is a Delaware corporation with its principal place of business in Boca Raton, Florida. This Defendant may be served with process through its registered agent, Corporate Creations Network Inc., 3411 Silverside Road, Rodney Building #104, Wilmington, Delaware 19810.

27. Defendant OFFICEMAX INCORPORATED is a Delaware corporation with its principal place of business in Naperville, Illinois. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

28. Defendant LIBERTY MEDIA CORPORATION is a Delaware corporation with its principal place of business in Englewood, Colorado. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

29. Defendant QVC, INC. is a Delaware corporation with its principal place of business in West Chester, Pennsylvania. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

30. Defendant SEARS HOLDINGS CORPORATION is a Delaware corporation with its principal place of business in Hoffman Estates, Illinois. This Defendant may be served with

process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

31. Defendant SEARS BRANDS, LLC is an Illinois limited liability company with its principal place of business in Hoffman Estates, Illinois. This Defendant may be served with process through its registered agent, CT Corporation System, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604.

32. Defendant STAPLES, INC. is a Delaware corporation with its principal place of business in Framingham, Massachusetts. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

33. Defendant TARGET CORPORATION is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota. This Defendant may be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

34. Defendant TICKETMASTER ENTERTAINMENT, INC. is a Delaware corporation with its principal place of business in West Hollywood, California. This Defendant may be served with process through its registered agent, National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904.

35. Defendant TICKETMASTER L.L.C. is a Virginia limited liability company with its principal place of business in West Hollywood, California. This Defendant may be served with process through its registered agent, National Registered Agents, Inc., 526 King Street, Suite 423, Alexandria, Virginia 22314.

36. Defendant SABRE HOLDINGS CORPORATION is a Delaware corporation with its principal place of business in Southlake, Texas. This Defendant may be served with process

through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

37. Defendant TRAVELOCITY.COM INC. is a Delaware corporation with its principal place of business in Southlake, Texas. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

38. Defendant TRAVELOCITY.COM LP is a Delaware limited partnership with its principal place of business in Southlake, Texas. This Defendant may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

39. Defendant LIMITED BRANDS, INC. is a Delaware corporation with its principal place of business in Columbus, Ohio. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

40. Defendant VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC. is a Delaware corporation with its principal place of business in Columbus, Ohio. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

41. Defendant VICTORIA'S SECRET DIRECT BRAND MANAGEMENT, LLC is a Delaware limited liability company with its principal place of business in Columbus, Ohio. This Defendant may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

II. JURISDICTION AND VENUE

42. This is an action for infringement of two United States patents arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of this action under Title 28 U.S.C. §1331 and §1338(a).

43. The Court has general and specific personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b). Each Defendant has substantial contacts with the forum as a result of pervasive business activities conducted within the State of Texas and within the Marshall Division of this District. Each Defendant regularly solicits business in Texas and derives substantial revenue from products, systems, and/or services sold or provided to individuals residing in Texas and, particularly, the Eastern District of Texas. Each Defendant maintains a physical presence within this District, including commercial premises, and/or conducts extensive business with customers residing in this District through its interactive website(s), which website(s) provide secure online payment services for and to those customers purchasing products from Defendant. And each Defendant has committed and continues to commit acts of patent infringement through its provision of secure online payment services throughout Texas, and, particularly, in this District.

III. PATENT INFRINGEMENT

44. On August 11, 1998, United States Patent No. 5,793,302 (“the ‘302 patent”) was duly and legally issued for a “Method for Securing Information Relevant to a Transaction.” A true and correct copy of the ‘302 patent is attached hereto as Exhibit “A.” On October 26, 1999, United States Patent No. 5,974,148 (“the ‘148 patent”) was duly and legally issued for a “Method for Securing Information Relevant to a Transaction.” A true and correct copy of the

‘148 patent is attached hereto as Exhibit “B.” The ‘302 and ‘148 patents are collectively referred to herein as “the patents-in-suit”.

45. Stambler is the inventor and owner of all rights, title, and interest in and to the patents-in-suit and possesses all rights of recovery under them.

46. Defendants have infringed, and continue to infringe, directly, contributorily, and/or through the inducement of others, the claimed methods of the patents-in-suit through provision of secure online payment systems and services to customers acquiring goods and services through Defendants’ respective interactive online website(s).

47. Upon information and belief, Defendants are aware of the patents-in-suit, have knowledge of the infringing nature of their activities, have nevertheless continued their infringing activities, and their infringing activities have been and continue to be willful. Specifically, at least the Amazon.com and Barnes & Nobel Defendants were previously provided written notice of the patents-in-suit.

48. Stambler has been damaged as a result of Defendants’ infringing conduct. Defendants are, thus, liable to Stambler in an amount that adequately compensates him for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

IV. JURY DEMAND

Stambler hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

Stambler requests that the Court find in his favor and against Defendants, and that the Court grant Stambler the following relief:

- a. Judgment that one or more claims of United States Patent Nos. 5,793,302 and 5,974,148 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Stambler all damages to and costs incurred by Stambler because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringements be found to be willful from the time that Defendants became aware of the infringing nature of their respective products and services, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. That Stambler be granted pre-judgment and post judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- e. That the Court declare this an exceptional case and award Stambler his reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Stambler be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: October 7, 2009.

Respectfully submitted,

/s/ John Ward, Jr.
Brent Bumgardner
Texas State Bar No. 00795272
Attorney-in-Charge
Edward R. Nelson, III
Texas State Bar No. 00797142
Christie B. Lindsey
Texas State Bar No. 24041918
Ryan P. Griffin
Texas State Bar No. 24053687
Decker A. Cammack
Texas State Bar No. 24036311
NELSON BUMGARDNER CASTO, P.C.
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
(817) 377-9111
Fax (817) 377-3485
bbumgardner@nbclaw.net
enelson@nbclaw.net
clindsey@nbclaw.net
rgriffin@nbclaw.net
dcammack@nbclaw.net

Eric M. Albritton
Texas State Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, TX 75606
(903) 757-8449
(903) 758-7397 (fax)
ema@emafirm.com

T. John Ward, Jr.
Texas State Bar No. 00794818
WARD & SMITH LAW FIRM
111 W. Tyler Street
Longview, Texas 75601
(903) 757-6400
(903) 757-2323 (fax)
jw@jwfirm.com

Ronald A. Dubner
Texas State Bar No. 06149000
4965 Preston Park, Suite 560
Plano, Texas 75093
(972) 964-6500
(972) 964-6533 (fax)
rondub@gte.com

**ATTORNEYS FOR PLAINTIFF
LEON STAMBLER**