

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

GOOSEBERRY NATURAL RESOURCES,
LLC,

Plaintiff,

v.

CONDESA, INC.,
MASS MEDIA DISTRIBUTION, LLC
MEK ENTERPRISES d/b/a
ERELEASES.COM,
PROVEN WAYS, INC.,
PR WORLDWIDE, INC., and
RV MEDIA, LLC d/b/a PR 18 NETWORK,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Gooseberry Natural Resources, LLC ("Plaintiff"), by and through its undersigned counsel, files this Original Complaint against Condesa, Inc., Mass Media Distribution, LLC, MEK Enterprises d/b/a eReleases.com, Proven Ways, Inc., PR Worldwide, Inc. and RV Media, LLC d/b/a PR 18 Network (collectively "Defendants") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants' infringement of Plaintiff's United States Patent No. 6,370,535 entitled "System and Method for Structured News Release Generation and Distribution" (the "535 patent"; a copy of which is attached hereto as

Exhibit A). Plaintiff is the exclusive licensee of the '535 patent with respect to the Defendants. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas. Plaintiff maintains its principal place of business at 101 East Park Boulevard, Suite 600 Plano TX 75074. Plaintiff is authorized to do business in Texas. Plaintiff is the exclusive licensee of the '535 patent with respect to the Defendants, and possesses the right to sue for infringement and recover past damages.

3. Upon information and belief, Condesa, Inc. ("Condesa") is a corporation organized and existing under the laws of the State of California, with its principal 333 H Street, Suite 5008, Chula Vista, California 91910.

4. Upon information and belief, Mass Media Distribution, LLC ("MMD") is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 3350 Riverwood Parkway, Suite 1900, Atlanta, Georgia 30339.

5. Upon information and belief, MEK Enterprises, LLC d/b/a eReleases.com ("MEK") is a limited liability company organized and existing under the laws of the State of Maryland, with its principal place of business located at 5022 Campbell Boulevard., Suite N, Baltimore, MD 21236.

6. Upon information and belief, Proven Ways, Inc. ("Proven Ways") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 372 Wildrose Avenue, Bergenfield, NJ 07621.

7. Upon information and belief, PR Worldwide, Inc. (“Worldwide”) is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 650 Wantagh Avenue, Levittown, New York 11756.

8. Upon information and belief, RV Media, LLC (“RV”) is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 2825 Wilcrest Drive, Suite 374, Houston, Texas 77063.

JURISDICTION AND VENUE

9. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

10. The Court has personal jurisdiction over each Defendant because: each Defendant has minimum contacts within the State of Texas and the Eastern District of Texas; each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant has sought protection and benefit from the laws of the State of Texas; each Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff’s causes of action arise directly from Defendants’ business contacts and other activities in the State of Texas and in the Eastern District of Texas.

11. More specifically, each Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) its products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, each Defendant has committed patent infringement in

the State of Texas and in the Eastern District of Texas, has contributed to patent infringement in the State of Texas and in the Eastern District of Texas, and/or has induced others to commit patent infringement in the State of Texas and in the Eastern District of Texas. Each Defendant solicits customers in the State of Texas and in the Eastern District of Texas. Each Defendant has many paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use respective Defendant's products and services in the State of Texas and in the Eastern District of Texas.

12. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

13. The '535 patent was duly and legally issued by the United States Patent and Trademark Office on April 9, 2002 after full and fair examination for systems and methods for secure messaging on an insecure network. Plaintiff is the exclusive licensee of the '535 patent with respect to the Defendants, and possesses all rights of recovery under the '535 patent with respect to the Defendants, including the right to sue for infringement and recover past damages.

14. Upon information and belief, Condesa has infringed and continues to infringe one or more claims of the '535 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, structured news release generation and distribution systems and methods that embody the patented invention, including via the website <http://www.prleap.com>. Upon information and belief, Condesa directs or controls users to request, transmit and/or receive secure messages via the

secure messaging systems and methods on their website. Upon information and belief, Condesa has also contributed to the infringement of one or more claims of the '535 patent, and/or actively induced others to infringe one or more claims of the '535 patent via their website, in this district and elsewhere in the United States.

15. Upon information and belief, MMD has infringed and continues to infringe one or more claims of the '535 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, structured news release generation and distribution systems and methods that embody the patented invention, including via the website <http://www.massmediadistribution.com>. Upon information and belief, MMD directs or controls users to request, transmit and/or receive secure messages via the secure messaging systems and methods on their website. Upon information and belief, MMD has also contributed to the infringement of one or more claims of the '535 patent, and/or actively induced others to infringe one or more claims of the '535 patent via their website, in this district and elsewhere in the United States.

16. Upon information and belief, MEK has infringed and continues to infringe one or more claims of the '535 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, structured news release generation and distribution systems and methods that embody the patented invention, including via the website <http://www.ereleases.com>. Upon information and belief, MEK directs or controls users to request, transmit and/or receive secure messages via the secure messaging systems and methods on their website. Upon information and belief, MEK has also contributed to the infringement of one or more claims of the '535 patent, and/or actively induced others to

infringe one or more claims of the '535 patent via their website, in this district and elsewhere in the United States.

17. Upon information and belief, Proven Ways has infringed and continues to infringe one or more claims of the '535 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, structured news release generation and distribution systems and methods that embody the patented invention, including via the website <http://www.i-newswire.com>. Upon information and belief, Proven Ways directs or controls users to request, transmit and/or receive secure messages via the secure messaging systems and methods on their website. Upon information and belief, Proven Ways has also contributed to the infringement of one or more claims of the '535 patent, and/or actively induced others to infringe one or more claims of the '535 patent via their website, in this district and elsewhere in the United States.

18. Upon information and belief, Worldwide has infringed and continues to infringe one or more claims of the '535 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, structured news release generation and distribution systems and methods that embody the patented invention, including via the website <http://www.pr.com>. Upon information and belief, Worldwide directs or controls users to request, transmit and/or receive secure messages via the secure messaging systems and methods on their website. Upon information and belief, Worldwide has also contributed to the infringement of one or more claims of the '535 patent, and/or actively induced others to infringe one or more claims of the '535 patent via their website, in this district and elsewhere in the United States.

19. Upon information and belief, RV has infringed and continues to infringe one or more claims of the '535 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, structured news release generation and distribution systems and methods that embody the patented invention, including via the website <http://www.1888pressrelease.com>. Upon information and belief, RV directs or controls users to request, transmit and/or receive secure messages via the secure messaging systems and methods on their website. Upon information and belief, RV has also contributed to the infringement of one or more claims of the '535 patent, and/or actively induced others to infringe one or more claims of the '535 patent via their website, in this district and elsewhere in the United States.

20. Each Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

21. Plaintiff is entitled to recover from the Defendants the damages sustained by Plaintiff as a result of the Defendants' wrongful acts in an amount subject to proof at trial, 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.

22. Defendants' infringement of Plaintiff's exclusive rights under the '535 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

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

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '535 patent 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. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest;
- C. That, should one or more of the Defendants' acts of infringement be found to be willful from the time that Defendants became aware of the infringing nature of their actions, which is the time of filing of Plaintiff's Original Complaint at the latest, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendants from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '535 patent;

- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and
- F. Any further relief that this Court deems just and proper.

Respectfully submitted,

Dated: June 24, 2010

/s/Melissa Richards Smith
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