IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CODEPRO INNOVATIONS, LLC, Plaintiff v. BLOCKBUSTER, INC., KOHL'S ILLINOIS, INC., JC PENNEY COMPANY, INC., and REDBOX, LLC, Defendants.	:	Civil Action No. _____ **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff CodePro Innovations, LLC ("CodePro Innovations" or "Plaintiff"), by way of Complaint against defendants Blockbuster, Inc., Kohl's Illinois, Inc., JC Penney Company, Inc., and Redbox, LLC (collectively "defendants"), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 101, *et seq.*

THE PARTIES

2. Plaintiff CodePro Innovations, LLC is a limited liability company organized under the laws of Texas with its principal place of business at 777 Enterprise Drive, Hewitt, Texas 76643.

3. Defendant Blockbuster, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 1201 Elm Street Dallas, Texas 75270, and a

registered agent for service of process at Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. Defendant Kohl's Illinois, Inc. is a corporation organized under the laws of Nevada with its principal place of business at 350 N. Saint Paul Street, Dallas, Texas 75201 and an agent for service of process at CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201.

5. Defendant JC Penney Company, Inc. is a company organized under the laws of Delaware with its principal place of business at 6501 Legacy Drive Plano, Texas 75024, and a registered agent for service of process at CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201.

6. Defendant Redbox, LLC is a company organized under the laws of Texas with its principal place of business at 817 S. Polk Street, Suite 200, Amarillo, Texas 79101, and a registered agent for service of process at Owen L. Bybee, 1601 S Harrison Street, Amarillo, Texas 79102.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

9. This Court has personal jurisdiction over the defendants. Defendants have conducted and do conduct business within the State of Texas and within this judicial district.

10. Defendants, directly or through intermediaries, makes, distributes, offers for sale or license, sells or licenses, and advertises their products and services in the United States, the State of Texas, and within this judicial district.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,924,078

11. CodePro Innovations repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. On July 13, 1999, United States Patent No. 5,924,078 (hereinafter referred to as the "'078 Patent"), entitled CONSUMER-PROVIDED PROMOTIONAL CODE ACTUATABLE POINT-OF-SALE DISCOUNTING SYSTEM, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '078 Patent is attached as Exhibit A to this Complaint.

13. CodePro Innovations is the assignee and owner of the right, title, and interest in and to the '078 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

14. Without license or authorization, defendants are and have been directly and indirectly infringing the '078 Patent by making, using, selling, offering for sale or license, advertising and/or importing in the United States, including within this judicial district, their products and services using systems, methods and instrumentalities that embody the inventions claimed in the '078 Patent. Such acts constitute infringement under at least 35 U.S.C. §§ 271(a), (b), and (c).

15. CodePro Innovations has been damaged by defendants' infringing activities.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 5,717,866

16. CodePro Innovations repeats and realleges the allegations of paragraphs 1 through 15 as if fully set forth herein.

17. On February 10, 1998, United States Patent No. 5,717,866 (hereinafter referred to as the "'866 Patent"), entitled METHOD FOR COMPARATIVE ANALYSIS OF CONSUMER RESPONSE TO PRODUCT PROMOTIONS, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '866 Patent is attached as Exhibit B to this Complaint.

18. CodePro Innovations is the assignee and owner of the right, title, and interest in and to the '866 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

19. Without license or authorization, defendants are and have been directly and indirectly infringing the '866 Patent by making, using, selling, offering for sale or license, advertising and/or importing in the United States, including within this judicial district, their products and services using systems, methods and instrumentalities that embody the inventions claimed in the '617 Patent. Such acts constitute infringement under at least 35 U.S.C. §§ 271(a), (b), and (c).

20. CodePro Innovations has been damaged by defendants' infringing activities.

JURY DEMAND

21. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, CodePro Innovations demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, CodePro Innovations respectfully demands judgment for itself and against defendants as follows:

a. That this Court adjudge that defendants have infringed the '078 and '866 Patents;

b. That this Court ascertain and award CodePro Innovations damages sufficient to compensate it for the above infringement, and that the damages so ascertained be awarded to CodePro Innovations with interest;

c. That this Court find this case to be exceptional and award CodePro Innovations its attorneys' fees, costs, and expenses in this action;

d. That this Court order an accounting of all infringing sales including, but not limited to, those sales not presented at trial, and award CodePro Innovations damages for any such sales; and

e. That this Court award CodePro Innovations such other relief as the Court may deem just and proper.

Respectfully submitted,

Dated: June 2, 2011

By: _____

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