

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LT TECH, LLC

Plaintiff,

v.

SYSAID TECHNOLOGIES, LTD.
PALACE ENTERTAINMENT, INC.
DUNKIN BRANDS GROUP, INC.

Defendant.

Case No. 3:13-CV-2754

**COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff LT Tech, LLC (“LTT”) hereby alleges for its Complaint against defendants Sysaid Technologies, Ltd., Palace Entertainment, Inc., and Dunkin Brands Group, Inc., as follows:

PARTIES

1. Plaintiff LTT is a Texas limited liability company with its principal place of business at 300 S. Watters Rd #1028, Allen, TX 75013.

2. On information and belief, Defendant Sysaid Technologies, Ltd. (“Sysaid”) is an Israeli corporation with a principal place of business at 1 Hayarden Street, Airport City 70100, Israel.

3. On information and belief, Defendant Palace Entertainment, Inc. (“Palace”) is a Delaware corporation with a principal place of business at 4590 MacArthur Blvd, Newport Beach, CA 92660

4. On information and belief, Defendant Dunkin Brands Group, Inc. (“Dunkin”) is a Delaware corporation with a principal place of business at 130 Royall Street Canton, Massachusetts, 02021.

JURISDICTION AND VENUE

5. 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).

6. Personal jurisdiction and venue are proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and/or have committed, contributed to, and/or induced acts of patent infringement in this district.

7. On information and belief, Defendants are 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 forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

8. For example, Defendant Sysaid issued a press release in March 2013 announcing that Defendant Palace is implementing Sysaid’s help desk solution (<http://www.sysaid.com/company/press/349-palace-entertainment-makes-a-splash-with-sysaid>). Defendant Palace operates parks across the country, including multiple locations in Texas and a location in Dallas, TX (<http://palaceentertainment.com/pages/park.html>).

9. Defendant Sysaid issued a press release in July 2010 announcing that its help desk solution was being rolled out to its nationwide Dunkin locations (<http://www.whatech.com/members-news/help-desk/2115-dunkin-distribution-runs-on-sysaid-it-dunkin-donuts-distribution-center-selects-sysaid-it-internal-helpdesk-platform-for-its-us-operations>). On information and belief, Defendant Dunkin has more than twenty locations in the state of Texas, including more than ten locations in and around Dallas.

10. On information and belief, the City of Nacogdoches in Texas uses Defendant Sysaid's help desk product.

11. On information and belief, Defendant Sysaid has other users of its help desk product in the state of Texas and in and around Dallas.

U.S. PATENT NO. 6,177,932

12. LTT is the owner by assignment of United States Patent No. 6,177,932 ("the '932 Patent") entitled "Method and Apparatus for Network Based Customer Service." The '932 Patent originally issued on January 23, 2001 and a re-examination certificate issued on September 14, 2010. A true and correct copy of the '932 Patent is attached as Exhibit A and the re-examination certificate is attached as Exhibit B.

13. Messrs. Frank A. Galdes and Mark A. Ericson are listed as the inventors on the '932 Patent.

14. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '932 Patent complied with such requirements.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,177,932 BY DEFENDANT SYSAID

15. Plaintiff LTT incorporates paragraphs 1 through 14 as if set forth herein.

16. Defendant Sysaid has, pursuant to 35 U.S.C. § 271, infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and is contributorily infringing the '932 Patent in the State of Texas, in this judicial district, and/or elsewhere in the United States by, among other things, making, using, selling, offering to sell, and/or importing, without license, customer service, customer support, and/or customer care systems that provide remote access and support for consumers and businesses, such as Defendant Sysaid's help desk solution and related offerings.

17. Defendant Sysaid's help desk solution falls within the scope of at least claim 21 of the '932 Patent, as evidenced by Defendant Sysaid's product descriptions. For example, Defendant Sysaid's help desk solution employs "routing rules" and "escalation rules" to handle service requests. See <http://www.sysaid.com/help-desk.htm>. The solution also permits technicians to "view and control remote machines." See <http://www.sysaid.com/remote-control.htm>.

18. Defendant Sysaid had knowledge of the '932 Patent at least on or around March 27, 2013, when Plaintiff sent a letter to Sarah Lahav, Defendant Sysaid's CEO, identifying the '932 Patent. At least from that time forward, Defendant Sysaid had specific intent to induce infringement by others and had knowledge that its acts contributed to the infringement of others.

19. Those whom Defendant Sysaid induces to infringe and contributes to the infringement of are end users of accused products, such as Defendant Palace and Defendant Dunkin.

20. As a result of Defendant Sysaid's infringement of the '932 Patent, LTT has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendant Sysaid's infringing activities are enjoined by this Court.

21. Defendant Sysaid's infringement is willful and deliberate entitling LTT to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

22. Unless a permanent injunction is issued enjoining Defendant Sysaid and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf from infringing the '932 Patent, LTT will be irreparably harmed.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,177,932 BY DEFENDANT DUNKIN

23. Plaintiff LTT incorporates paragraphs 1 through 22 as if set forth herein.

24. Defendant Dunkin has, pursuant to 35 U.S.C. § 271, infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and is contributorily infringing the '932 Patent in the State of Texas, in this judicial district, and/or elsewhere in the United States by, among other things, making, using, selling, offering to sell, and/or importing, without license, customer service, customer support, and/or customer care systems that provide remote access and support for consumers and businesses, such as Defendant Sysaid's help desk solution and related offerings.

25. Defendant Dunkin's use of Defendant Sysaid's help desk solution falls within the scope of at least claim 21 of the '932 Patent, as evidenced by Defendant Sysaid's product descriptions. For example, Defendant's help desk solution employs "routing rules" and "escalation rules" to handle service requests. See <http://www.sysaid.com/help-desk.htm>. The

solution also permits technicians to “view and control remote machines.” See <http://www.sysaid.com/remote-control.htm>.

26. Defendant Dunkin had knowledge of the '932 Patent at least as of the date of service of this Complaint. At least from that time forward, Defendant Dunkin had specific intent to induce infringement and had knowledge that its acts contributed to infringement.

27. Those whom Defendant Dunkin induces to infringe and contributes to the infringement of are end users of the accused products, such as Defendant Dunkin's franchisees.

28. As a result of Defendant Dunkin's infringement of the '932 Patent, LTT has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendant Dunkin's infringing activities are enjoined by this Court.

29. At least from the date of service of this Complaint, Defendant Dunkin's infringement is willful and deliberate entitling LTT to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

30. Unless a permanent injunction is issued enjoining Defendant Dunkin and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf from infringing the '932 Patent, LTT will be irreparably harmed.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 6,177,932 BY DEFENDANT PALACE

31. Plaintiff LTT incorporates paragraphs 1 through 22 as if set forth herein.

32. Defendant Palace has, pursuant to 35 U.S.C. § 271, infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and is contributorily infringing the '932 Patent in the State of Texas, in this judicial district, and/or elsewhere in the United States by, among other things, making,

using, selling, offering to sell, and/or importing, without license, customer service, customer support, and/or customer care systems that provide remote access and support for consumers and businesses, such as Defendant Sysaid's help desk solution and related offerings.

33. Defendant Palace's use of Defendant Sysaid's help desk solution falls within the scope of at least claim 21 of the '932 Patent, as evidenced by Defendant Sysaid's product descriptions. For example, Defendant's help desk solution employs "routing rules" and "escalation rules" to handle service requests. See <http://www.sysaid.com/help-desk.htm>. The solution also permits technicians to "view and control remote machines." See <http://www.sysaid.com/remote-control.htm>.

34. Defendant Palace had knowledge of the '932 Patent at least on or around June 7, 2013, when Plaintiff sent a letter to Dan Vogt, Defendant Palace's Executive Director of Information Technology. At least from that time forward, Defendant Palace had specific intent to induce infringement and had knowledge that its acts contributed to infringement.

35. Those whom Defendant Palace induces to infringe and contributes to the infringement of are end users of the accused products, such as users at Defendant Palace's parks.

36. As a result of Defendant Palace's infringement of the '932 Patent, LTT has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendant Palace's infringing activities are enjoined by this Court.

37. Defendant Palace's infringement is willful and deliberate entitling LTT to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

38. Unless a permanent injunction is issued enjoining Defendant Palace and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf from infringing the '932 Patent, LTT will be irreparably harmed.

PRAYER

WHEREFORE, LTT incorporates each of the allegations in paragraphs 1 through 38 above and respectfully requests that this Court enter:

1. A judgment in favor of LTT that Defendants have infringed, directly or indirectly, the '932 Patent;

2. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity, with any of them, from infringing, directly, jointly, and/or indirectly (by way of inducing and/or contributing to the infringement) the '932 Patent;

3. A judgment and order requiring Defendants to pay LTT its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '932 Patent as provided under 35 U.S.C. § 284;

4. A judgment finding defendants' infringement to be willful from the time that defendant became aware of the infringing nature of its products and services, and awarding treble damages to LTT for the period of such willful infringement pursuant to 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285, and awarding to LTT its reasonable attorney fees; and

6. Any and all other relief to which LTT may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues triable to a jury.

Dated: July 16, 2013

Respectfully submitted,

By: /s/ Hao Ni

Hao Ni
Texas State Bar No. 24047205
Ni, Wang & Associates, PLLC
8140 Walnut Hill Ln. Ste 310
Dallas, TX 75231
T: 972.331.4600
F: 972.314.0900
Email: hni@nilawfirm.com

Of Counsel:

Matthew DelGiorno.
Texas State Bar No. 24077131
DelGiorno IP Law, PLLC

300 S. Watters Road, Suite 1028
Allen, TX 75013
T: 214.601.5390
Email: matt@delgiornolaw.com

PRO HAC ADMISSION PENDING

**ATTORNEYS FOR PLAINTIFF
LT TECH, LLC**