

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

SILVER SCREEN TELE-REALITY, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	CASE NO. 3:13-cv-03076
SUNDAYSKY, INC.	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Silver Screen Tele-Reality, Inc. makes the following allegations against SundaySky, Inc.

I. PARTIES

1. Plaintiff Silver Screen Tele-Reality, Inc. d/b/a SiSTeR Technologies (“SiSTeR”) is a Texas corporation with its principal place of business at 4144 North Central Expressway, Suite 710, Dallas, Texas 75204.

2. Defendant SundaySky, Inc. (“Defendant”) is a Delaware corporation with its principal place of business in New York City, New York. Defendant has appointed Allstate Corporate Services Corp., 1679 South Dupont Highway, Suite 100, Dover, Delaware, as its agent for service of process.

II. JURISDICTION AND VENUE

3. 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).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

5. This Court has personal jurisdiction over Defendant because the infringing methods, systems and/or software, as described below, have been and continue to be purchased or used by consumers in the State of Texas and the Northern District of Texas. Defendant has committed acts of infringement in violation of 35 U.S.C. § 271 and directly or indirectly placed these infringing methods, systems and/or software into the stream of commerce, through established distribution channels, with the knowledge or understanding that such methods, systems and/or software are used and sold in this State and this Judicial District.

6. Defendant derives substantial revenue from the sale of infringing methods, systems and/or software distributed within the District, or expects or should reasonably expect its actions to have consequences within the District, and derives substantial revenue from interstate and international commerce.

7. Defendant regularly does business, solicits business, engages in other persistent acts of conduct, or derives substantial revenue from methods, systems and/or software provided to individuals in Texas and in this District.

8. SiSTeR is a Texas company with its principal place of business in this District. These acts cause injury to SiSTeR within the District.

III. COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 8,353,406

9. SiSTeR is the owner by assignment of United States Patent No. 8,353,406 (“the ‘406 Patent”) entitled System, Method, and Computer Readable Medium for Creating a Video Clip. The ‘406 Patent issued on January 15, 2013. A true and correct copy of the ‘406 Patent is attached as **Exhibit A**.

10. Upon information and belief, Defendant has been and is now directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '406 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, selling and/or importing methods, systems and/or software covered by one or more claims of the '406 Patent within the United States, including in connection with various websites (including, but not limited to, www.sundaysky.com). Methods, systems, and/or software made, used, offered for sale or sold by Defendant that infringe the '406 Patent include, but are not limited to, "SmartVideo" and/or video generated using still images and automatically defined parameters. Defendant is thus liable for infringement of the '406 Patent pursuant to 35 U.S.C. § 271.

11. SiSTeR has at all times complied with 35 U.S.C. § 287.

12. To the extent that facts learned in discovery show that Defendant's infringement of the '406 Patent is or has been willful, SiSTeR reserves the right to request such a finding at time of trial.

13. As a result of the Defendant's infringement of the '406 Patent, SiSTeR has suffered monetary damages in an amount not yet determined.

IV. DEMAND FOR JURY TRIAL

14. SiSTeR hereby demands that all issues be determined by jury.

V. PRAYER FOR RELIEF

WHEREFORE, SiSTeR prays for relief against Defendant as follows:

(a) A judgment that Defendant has directly infringed the '406 Patent, contributorily infringed the '406 Patent, and/or induced infringement of the '406 Patent;

(b) A judgment and order requiring Defendant to pay SiSTeR damages under 35 U.S.C. § 284, together with pre-judgment and post-judgment interest;

(c) Judgment that the damages so adjudged be trebled due to Defendant's willful infringement;

(d) A judgment and order requiring Defendant to pay SiSTeR the costs of this action (including all disbursements) and the attorneys' fees as provided by U.S.C. § 285; and

(e) Such other and further relief as the Court deems just and equitable.

Dated: August 6, 2013.

By: /s/ Michael C. Wilson

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