

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

CINSAY, INC.,

Plaintiff,

vs.

WIREWAX U.S., INC.,

Defendant.

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CASE NO. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement by Cinsay, Inc. against wireWAX U.S., Inc.

I. PARTIES

1. Plaintiff Cinsay, Inc. (“Cinsay”) is a Nevada corporation with its principal place of business in Dallas, Texas.

2. Defendant wireWAX U.S., Inc. (“Defendant” or “wireWAX”) is a Delaware corporation with its principal place of business in New York, New York. Defendant has appointed Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, Delaware, 19808, 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(d) and 1400(b). Upon information and belief, Defendant has transacted business in this District. Defendant 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 directed to 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 with the knowledge or understanding that such methods, systems and/or software are used in this State and this District.

6. Upon information and belief, Defendant regularly solicits business in Texas and in this District via the infringing systems and methods.

7. Cinsay has its principal place of business in this District. Defendant's acts cause injury to Cinsay within the District.

III. FACTUAL BACKGROUND

8. On July 15, 2014, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 8,782,690 ("the '690 Patent") entitled "Interactive Product Placement System and Method Therefor." Cinsay is the current assignee of the '690 Patent. A true and correct copy of the '690 Patent is attached as Exhibit A.

9. On October 1, 2013, the USPTO issued United States Patent No. 8,549,555 ("the '555 Patent") entitled "Interactive Product Placement System and Method Therefor." Cinsay is the current assignee of the '555 Patent. A true and correct copy of the '555 Patent is attached as Exhibit B.

10. The '690 Patent and the '555 Patent (together, the "Patents-in-Suit") are valid, enforceable, and have not expired.

11. To the extent applicable, Cinsay has at all times complied with 35 U.S.C. § 287.

IV. COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 8,782,690

12. Cinsay repeats and re-alleges each and every allegation contained in paragraphs 1 through 11 above as though fully stated herein.

13. Defendant has been and is now directly infringing, and indirectly infringing by way of inducing infringement of, the '690 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, software, and/or computer-readable media covered by one or more claims of the '690 Patent within the United States, including in connection with various websites (including but not limited to www.wirewax.com).

14. Methods, systems, software, and/or computer-readable medium made, used, offered for sale, or sold by Defendant that infringe the '690 Patent include, but are not limited to, Defendant's products and/or services for generating interactive videos, including interactive content in videos, and transmitting or receiving code for providing interactive videos or interactive content for videos. Defendant's infringing products and/or services have been and continue to be used in Defendant's wireWAX player, supported by the wireWAX Content Delivery Network (CDN), and/or may include other products or services. Non-limiting examples of interactive videos generated using Defendant's products and/or services can be found on Defendant's website at www.wirewax.com. The system and related services for the display of these interactive videos are provided by Defendant to users that include Defendant, clients of Defendant, and/or patrons of the clients of Defendant.

15. Additionally and/or in the alternative, Defendant is inducing third party end users to infringe the '690 Patent by creating, sending, and receiving infringing videos that utilize wireWAX's hosting services.

16. Defendant is thus liable for infringement of the '690 Patent pursuant to 35 U.S.C. § 271. Defendant has written notice of its infringement by virtue of the filing and service of this Complaint.

17. As a result of the Defendant's infringement of the '690 Patent, Cinsay has suffered monetary damages in an amount not yet determined.

18. Cinsay will be substantially and irreparably harmed by Defendant's infringing activities unless those activities are enjoined by this Court. Cinsay has no adequate remedy at law. As a result of Defendant's infringement, Cinsay is entitled to permanent injunctive relief, restraining and enjoining Defendant and all those in privity with or acting in concert with Defendant from infringing the '690 Patent.

V. COUNT TWO: INFRINGEMENT OF U.S. PATENT NO. 8,549,555

19. Cinsay repeats and re-alleges each and every allegation contained in paragraphs 1 through 18 above as though fully stated herein.

20. Defendant has been and is now directly infringing, and indirectly infringing by way of inducing infringement of, the '555 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 '555 Patent within the United States, including in connection with various websites (including but not limited to www.wirewax.com).

21. Methods, systems, and/or software made, used, offered for sale, or sold by Defendant that infringe the '555 Patent include, but are not limited to, Defendant's products and/or services for generating interactive videos, including interactive content in videos, and transmitting code for providing interactive videos or interactive content for videos. Defendant's infringing products and/or services have been and continue to be used in Defendant's wireWAX player,

supported by the wireWAX Content Delivery Network (CDN), and/or may include other products or services. Non-limiting examples of interactive videos generated using Defendant's products and/or services can be found on Defendant's website at www.wirewax.com. The system and related services for the display of these interactive videos are provided by Defendant to users that include Defendant, clients of Defendant, and/or patrons of the clients of Defendant.

22. Additionally and/or in the alternative, Defendant is inducing third party end users to infringe the '555 Patent by creating, sending, and receiving infringing videos that utilize wireWAX's hosting services.

23. Defendant is thus liable for infringement of the '555 Patent pursuant to 35 U.S.C. § 271. Defendant has written notice of its infringement by virtue of the filing and service of this Complaint.

24. As a result of the Defendant's infringement of the '555 Patent, Cinsay has suffered monetary damages in an amount not yet determined.

25. Cinsay will be substantially and irreparably harmed by Defendant's infringing activities unless those activities are enjoined by this Court. Cinsay has no adequate remedy at law. As a result of Defendant's infringement, Cinsay is entitled to permanent injunctive relief, restraining and enjoining Defendant and all those in privity with or acting in concert with Defendant from infringing the '555 Patent.

VI. DEMAND FOR JURY TRIAL

26. Cinsay hereby demands that all issues be determined by a jury.

VII. PRAYER FOR RELIEF

WHEREFORE, Cinsay prays for relief against Defendant wireWAX as follows:

- (a) A judgment that Defendant has directly infringed the '690 Patent and/or induced infringement of the '690 Patent;
- (b) A judgment that Defendant has directly infringed the '555 Patent and/or induced infringement of the '555 Patent;
- (c) An order for preliminary and permanent injunctive relief prohibiting Defendant, its officers, agents, servants, employees, successors, assigns, or all other persons or entities in active concert, participation, or privity with any of the foregoing, from any further acts of infringement of the '690 Patent;
- (d) An order for preliminary and permanent injunctive relief prohibiting Defendant, its officers, agents, servants, employees, successors, assigns, or all other persons or entities in active concert, participation, or privity with any of the foregoing, from any further acts of infringement of the '555 Patent;
- (e) A judgment and order requiring Defendant to pay Cinsay damages under 35 U.S.C. § 284, together with pre-judgment and post-judgment interest;
- (f) A judgment and order requiring Defendant to pay Cinsay the costs of this action;
and
- (g) Such other and further relief as the Court deems just and equitable.

Dated: September 25, 2014

Respectfully submitted,

/s/ Jamil N. Alibhai

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