

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

T-REX PROPERTY AB,

Plaintiff,

v.

RMG NETWORKS HOLDING
CORPORATION,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff T-Rex Property AB, by and through its undersigned counsel, files this Complaint against Defendant RMG Networks Holding Corporation 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. § 1 *et seq.*

PARTIES

2. Plaintiff T-Rex Property AB is a company organized and existing under the laws of Sweden with its principal place of business at Vårvägen 6, 18274 Stocksund, Sweden.

3. On information and belief, Defendant is a publically traded company, incorporated under the laws of the State of Delaware, and is authorized to do business in Texas. On information and belief, Defendant's corporate headquarters and principal executive office is located at 15301 North Dallas Parkway, Suite 500, Addison, TX 75001.

JURISDICTION AND VENUE

4. 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.

5. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process or the Texas Long-Arm Statute, due to its substantial business in this forum. On information and belief, Defendant is also subject to the jurisdiction of this Court by reason of its acts constituting direct patent infringement, as alleged herein, which have been committed in this Judicial District

7. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

8. The allegations set forth in the foregoing paragraphs 1 through 7 are hereby re-alleged and incorporated herein by reference.

9. On January 16, 2007, U.S. Patent Number RE39,470, entitled "Digital Information System," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '470 Patent is attached as Exhibit A to this Complaint.

10. On August 6, 2002, U.S. Patent Number 6,430,603, entitled "System for Direct Placement of Commercial Advertising, Public Service Announcements and Other Content on Electronic Billboard Displays," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '603 Patent is attached as Exhibit B to this Complaint.

11. On June 3, 2008, U.S. Patent Number 7,382,334, entitled “Digital Information System,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’334 Patent is attached as Exhibit C to this Complaint.

12. T-Rex is the assignee and owner of the right, title and interest in and to the ’470, ’603, and ’334 Patents (henceforth collectively the “patents-in-suit”), including the right to assert all causes of action arising under the patents-in-suit and the right to any remedies for infringement.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. RE39,470

13. The allegations set forth in the foregoing paragraphs 1 through 12 are hereby re-alleged and incorporated herein by reference.

14. Upon information and belief, in violation of 35 U.S.C. § 271(a), Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the ’470 Patent by making, using, offering for sale, selling, or importing devices or systems, in this judicial district and elsewhere in the United States (directly or through intermediaries), that perform the steps of receiving control instructions from at least one external information mediator, using the control instructions to generate an exposure list that specifies three or more of the following items: i) what information content is to be displayed; ii) at which of a plurality of locations the information content is to be displayed; iii) when the information content is to be displayed for each location at which content is to be displayed; and iv) how long the information content is to be displayed for each location at which content is to be displayed, displaying images at one or more of the locations in accordance with the exposure list, and permitting the exposure list to be dynamically updated as claimed in at least claim 25 of the ’470 Patent, without the authority of T-Rex.

15. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '470 Patent by employing content management systems, which include, for example and without limitation, the Symon Design Studio to manage and schedule broadcast content for display in its corporate headquarters in Texas at least during certain demonstrations for customers or for prospective customers.

16. Upon information and belief, in violation of 35 U.S.C. § 271(b), Defendant has induced its customers and continues to induce its customers to infringe, literally or under the doctrine of equivalents, the '470 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '470 Patent and by making, using, offering for sale, selling, or importing devices or systems in the United States, including within this judicial district, that perform the steps of receiving control instructions from at least one external information mediator, using the control instructions to generate an exposure list that specifies three or more of the following items: i) what information content is to be displayed; ii) at which of a plurality of locations the information content is to be displayed; iii) when the information content is to be displayed for each location at which content is to be displayed; and iv) how long the information content is to be displayed for each location at which content is to be displayed, displaying images at one or more of the locations in accordance with the exposure list, and permitting the exposure list to be dynamically updated as claimed in at least claim 25 of the '470 Patent, without the authority of T-Rex.

17. Defendant induces its customers to infringe the '470 Patent by, for example and without limitation, actively promoting the use of RMG hardware, and services or software to perform the claimed steps. According to Defendant's website, "RMG Enterprise solutions provides a wide range of services, software and hardware and offering vibrant and flexible

intelligent digital signage [that] combine real time data and dynamic content in order to communicate information that is timely, targeted and relevant.” (<http://www.rmgnetworks.com/company> (embedded video at about 1:21 to about 1:40)) “RMG Enterprise solutions empowers organizations with visual, real-time data . . . High end graphics, movement and current content keep the screens updated, fresh and appealing. All off this is backed with premium professional services, which include consulting, installation, training, and support services.” (<http://www.rmgnetworks.com/enterprise-solutions> (embedded video at about 0:20 to about 0:41)) “With the widest range of capabilities and the most experienced team in the industry, RMG Networks, formerly Symon Communications, can help you meet your business challenges through complete solutions that seamlessly combine best-in-class software, hardware, business applications and services.” (<http://www.rmgnetworks.com/enterprise-solutions>) RMG offers its prospective customers a “real-time solution that seamlessly integrates with your systems” in order to “[i]mprove agent productivity and knowledge, call center performance, and profit margins with immediate information available when and where your staff needs it.” (<http://www.rmgnetworks.com/intelligent-contact-center>) “Our data collectors gather real-time operational stats, filter key performance indicators, and deliver information” in order to “disseminate key performance indicators” (*Id.*) The RMG Networks “Visual Internal Communications solution allows you to push dynamic communications and announcements globally in seconds from a central point of control.” (<http://www.rmgnetworks.com/visual-internal-communications>) “Create and send content changes and messages to your displays . . . with the RMG Networks Design Studio web-based software suite.” (<http://www.rmgnetworks.com/products>) RMG promises its prospective customers “experienced professionals” that “provide the level of support you need, every step of the way.” (<http://www.rmgnetworks.com/services>) Prospective customers can “[d]epend on our

RMG Networks consultation and professional services team to integrate your visual communications solution with your existing technologies and data systems.” (*Id.*) Regarding hardware, RMG promises that its “Enterprise Server” can “[c]ollect, store, and deliver critical real-time information transparently with the RMG Networks Symon Enterprise Server (SES). This powerful digital signage software integrates seamlessly with a vast array of third-party data sources to aggregate collected data, filter it, and distribute it in the form that’s right for you.” (<http://www.rmgnetworks.com/products>). RMG assures prospective customers that “a premier visual communications solution from RMG Networks” can be used to leverage “existing technology investments” and that because “RMG solutions are designed to seamlessly integrate with third-party systems and data sources” the resulting integration “provides a central point to collect, synthesize, and repurpose data into engaging, comprehensive, and visually compelling content.” (*Id.*)

18. Defendant has knowledge of the ’470 Patent since at least the filing date of this Complaint.

19. Because of Defendant’s infringing activities, T-Rex has suffered damages and will continue to suffer damages in the future. T-Rex is entitled to recover from Defendant the damages sustained by T-Rex as a result of Defendant’s 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.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,430,603

20. The allegations set forth in the foregoing paragraphs 1 through 19 are hereby re-alleged and incorporated herein by reference.

21. Upon information and belief, in violation of 35 U.S.C. § 271(a), Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents,

one or more claims of the '603 Patent by making, using, offering for sale, selling, or importing systems, in this judicial district and elsewhere in the United States (directly or through intermediaries), that include a network interconnecting a plurality of electronic displays provided at various geographic locations, a means for scheduling the presentation of video or still-image content at selected time slots on selected electronic displays of the network and receiving the video or still-image content from a content provider, and a transmission means in communication with the receiving means for communicating scheduled content to respective server devices associated with corresponding selected electronic displays of the network, where each associated device initiates display of the video or still-image content at selected times on a corresponding selected electronic display of the network as claimed in at least claim 13 of the '603 Patent, without the authority of T-Rex.

22. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '603 Patent by employing content management systems, which include, for example and without limitation, the Symon Design Studio to manage and schedule broadcast content for display in its corporate headquarters in Texas at least during certain demonstrations for customers or for prospective customers.

23. Upon information and belief, in violation of 35 U.S.C. § 271(b), Defendant has induced its customers and continues to induce its customers to infringe, literally or under the doctrine of equivalents, the '603 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '603 Patent and by making, using, offering for sale, selling, or importing systems in the United States, including within this judicial district, that include a network interconnecting a plurality of electronic displays provided at various geographic locations, a means for scheduling the presentation of video or still-image

content at selected time slots on selected electronic displays of the network and receiving the video or still-image content from a content provider, and a transmission means in communication with the receiving means for communicating scheduled content to respective server devices associated with corresponding selected electronic displays of the network, where each associated device initiates display of the video or still-image content at selected times on a corresponding selected electronic display of the network as claimed in at least claim 13 of the '603 Patent, without the authority of T-Rex

24. Defendant induces its customers to infringe the '603 Patent by, for example and without limitation, actively promoting the use of RMG hardware, and services or software to perform the claimed steps. According to Defendant's website, "RMG Enterprise solutions provides a wide range of services, software and hardware and offering vibrant and flexible intelligent digital signage [that] combine real time data and dynamic content in order to communicate information that is timely, targeted and relevant." (<http://www.rmgnetworks.com/company> (embedded video at about 1:21 to about 1:40)) "RMG Enterprise solutions empowers organizations with visual, real-time data . . . High end graphics, movement and current content keep the screens updated, fresh and appealing. All off this is backed with premium professional services, which include consulting, installation, training, and support services." (<http://www.rmgnetworks.com/enterprise-solutions> (embedded video at about 0:20 to about 0:41)) "With the widest range of capabilities and the most experienced team in the industry, RMG Networks, formerly Symon Communications, can help you meet your business challenges through complete solutions that seamlessly combine best-in-class software, hardware, business applications and services." (<http://www.rmgnetworks.com/enterprise-solutions>) RMG offers its prospective customers a "real-time solution that seamlessly integrates with your systems" in order to

“[i]mprove agent productivity and knowledge, call center performance, and profit margins with immediate information available when and where your staff needs it.” (<http://www.rmgnetworks.com/intelligent-contact-center>) “Our data collectors gather real-time operational stats, filter key performance indicators, and deliver information” in order to “disseminate key performance indicators” (*Id.*) The RMG Networks “Visual Internal Communications solution allows you to push dynamic communications and announcements globally in seconds from a central point of control.” (<http://www.rmgnetworks.com/visual-internal-communications>) “Create and send content changes and messages to your displays . . . with the RMG Networks Design Studio web-based software suite.” (<http://www.rmgnetworks.com/products>) RMG promises its prospective customers “experienced professionals” that “provide the level of support you need, every step of the way.” (<http://www.rmgnetworks.com/services>) Prospective customers can “[d]epend on our RMG Networks consultation and professional services team to integrate your visual communications solution with your existing technologies and data systems.” (*Id.*) Regarding hardware, RMG promises that its “Enterprise Server” can “[c]ollect, store, and deliver critical real-time information transparently with the RMG Networks Symon Enterprise Server (SES). This powerful digital signage software integrates seamlessly with a vast array of third-party data sources to aggregate collected data, filter it, and distribute it in the form that’s right for you.” (<http://www.rmgnetworks.com/products>). RMG assures prospective customers that “a premier visual communications solution from RMG Networks” can be used to leverage “existing technology investments” and that because “RMG solutions are designed to seamlessly integrate with third-party systems and data sources” the resulting integration “provides a central point to collect, synthesize, and repurpose data into engaging, comprehensive, and visually compelling content.” (*Id.*)

25. Defendant has knowledge of the '603 Patent since at least the filing date of this Complaint.

26. Because of Defendant's infringing activities, T-Rex has suffered damages and will continue to suffer damages in the future. T-Rex is entitled to recover from Defendant the damages sustained by T-Rex as a result of Defendant's 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.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,382,334

27. The allegations set forth in the foregoing paragraphs 1 through 26 are hereby re-alleged and incorporated herein by reference.

28. Upon information and belief, in violation of 35 U.S.C. § 271(a), Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '334 Patent by making, using, offering for sale, selling, or importing devices or systems, in this judicial district and elsewhere in the United States (directly or through intermediaries), that perform the steps of generating an exposure list comprising control instructions for coordinating and controlling electronic displays with regard to what shall be exposed, when it shall be exposed, where it shall be exposed and for how long it shall be exposed, using a control center for coordinating and controlling electronic displays, where the control center is able to create and update the exposure list in real time, with control instruction fields via dynamic booking of information, in time for exposure, from mediators, and where the exposure list enables each electronic display to be controlled, independently of other electronic displays, to receive the same or different information in accordance with the exposure list for the exposure of respective electronic display as claimed in at least claim 22 of the '334 Patent, without the authority of T-Rex.

29. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '334 Patent by employing content management systems, which include, for example and without limitation, the Symon Design Studio to manage and schedule broadcast content for display in its corporate headquarters in Texas at least during certain demonstrations for customers or for prospective customers.

30. Upon information and belief, in violation of 35 U.S.C. § 271(b), Defendant has induced its customers and continues to induce its customers to infringe, literally or under the doctrine of equivalents, the '334 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '334 Patent and by making, using, offering for sale, selling, or importing devices or systems in the United States, including within this judicial district, that perform the steps of generating an exposure list comprising control instructions for coordinating and controlling electronic displays with regard to what shall be exposed, when it shall be exposed, where it shall be exposed and for how long it shall be exposed, using a control center for coordinating and controlling electronic displays, where the control center is able to create and update the exposure list in real time, with control instruction fields via dynamic booking of information, in time for exposure, from mediators, and where the exposure list enables each electronic display to be controlled, independently of other electronic displays, to receive the same or different information in accordance with the exposure list for the exposure of respective electronic display as claimed in at least claim 22 of the '334 Patent, without the authority of T-Rex

31. Defendant induces its customers to infringe the '334 Patent by, for example and without limitation, actively promoting the use of RMG hardware, and services or software to perform the claimed steps. According to Defendant's website, "RMG Enterprise solutions

provides a wide range of services, software and hardware and offering vibrant and flexible intelligent digital signage [that] combine real time data and dynamic content in order to communicate information that is timely, targeted and relevant.” (<http://www.rmgnetworks.com/company> (embedded video at about 1:21 to about 1:40)) “RMG Enterprise solutions empowers organizations with visual, real-time data . . . High end graphics, movement and current content keep the screens updated, fresh and appealing. All off this is backed with premium professional services, which include consulting, installation, training, and support services.” (<http://www.rmgnetworks.com/enterprise-solutions> (embedded video at about 0:20 to about 0:41)) “With the widest range of capabilities and the most experienced team in the industry, RMG Networks, formerly Symon Communications, can help you meet your business challenges through complete solutions that seamlessly combine best-in-class software, hardware, business applications and services.” (<http://www.rmgnetworks.com/enterprise-solutions>) RMG offers its prospective customers a “real-time solution that seamlessly integrates with your systems” in order to “[i]mprove agent productivity and knowledge, call center performance, and profit margins with immediate information available when and where your staff needs it.” (<http://www.rmgnetworks.com/intelligent-contact-center>) “Our data collectors gather real-time operational stats, filter key performance indicators, and deliver information” in order to “disseminate key performance indicators” (*Id.*) The RMG Networks “Visual Internal Communications solution allows you to push dynamic communications and announcements globally in seconds from a central point of control.” (<http://www.rmgnetworks.com/visual-internal-communications>) “Create and send content changes and messages to your displays . . . with the RMG Networks Design Studio web-based software suite.” (<http://www.rmgnetworks.com/products>) RMG promises its prospective customers “experienced professionals” that “provide the level of support you need, every step of

the way.” (<http://www.rmgnetworks.com/services>) Prospective customers can “[d]epend on our RMG Networks consultation and professional services team to integrate your visual communications solution with your existing technologies and data systems.” (*Id.*) Regarding hardware, RMG promises that its “Enterprise Server” can “[c]ollect, store, and deliver critical real-time information transparently with the RMG Networks Symon Enterprise Server (SES). This powerful digital signage software integrates seamlessly with a vast array of third-party data sources to aggregate collected data, filter it, and distribute it in the form that’s right for you.” (<http://www.rmgnetworks.com/products>). RMG assures prospective customers that “a premier visual communications solution from RMG Networks” can be used to leverage “existing technology investments” and that because “RMG solutions are designed to seamlessly integrate with third-party systems and data sources” the resulting integration “provides a central point to collect, synthesize, and repurpose data into engaging, comprehensive, and visually compelling content.” (*Id.*)

32. Defendant has knowledge of the ’334 Patent since at least the filing date of this Complaint.

33. Because of Defendant’s infringing activities, T-Rex has suffered damages and will continue to suffer damages in the future. T-Rex is entitled to recover from Defendant the damages sustained by T-Rex as a result of Defendant’s 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.

JURY DEMAND

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 Defendant, and that the Court grant Plaintiff the following relief:

A. an adjudication that Defendant has infringed the '470, '603 and '334 Patents by directly infringing as well as by inducing its customers to directly infringe the patents;

B. an award of damages to be paid by Defendant adequate to compensate T-Rex for Defendant's past infringement of the '470, '603 and '334 Patents and any continuing or future infringement through the date such judgment is entered, including prejudgment and post-judgment interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. an injunction ordering Defendant to pay an ongoing royalty in an amount to be determined for any continued infringement after the date judgment is entered;

D. a declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and,

E. an award to T-Rex of such further relief at law or in equity as the Court deems just and proper.

Dated: March 5, 2015

Respectfully submitted,

/s/ Steven R. Daniels

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