

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2011 MAY -6 P 4: 29

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

JXTACOMM-TEXAS SOFTWARE, LLC,
a Texas Limited Liability Company,

Plaintiff,

v.

Civil Action No.: 3:11CV299
JRS

LANIER PARKING SYSTEMS OF VIRGINIA, INC.,
a Georgia Corporation,
HINES RIVERFRONT PLAZA, LP,
a Delaware Limited Partnership,
FIRST STATES INVESTORS 3500 LLC,
a Delaware Limited Liability Company,
JAMES CENTER PROPERTY LLC,
a Delaware Limited Liability Company,
DOMINION TOWER FINANCIAL ASSOCIATES LLC,
a Delaware Limited Liability Company,
DIRECT INVEST-500 EAST MAIN, LLC,
a Delaware Limited Liability Company, and
FIRST TOWER ASSOCIATES LP,
a Virginia Limited Partnership

JURY DEMAND

Defendants.

**PLAINTIFF JXTACOMM-TEXAS SOFTWARE, LLC'S COMPLAINT FOR
PATENT INFRINGEMENT AND INJUNCTIVE RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff JuxtaComm-Texas Software, LLC files this Original Complaint for damages, injunctive relief, attorneys' fees, and costs against Defendants Lanier Parking Systems of Virginia, Inc., Hines Riverfront Plaza LP, First States Investors 3500 LLC, James Center Property LLC, Dominion Tower Financial Associates LLC, Direct Invest-500 East Main, LLC,

and First Tower Associates LP. In support of its Original Complaint, JuxtaComm states as follows:

THE PARTIES

1. Plaintiff JuxtaComm-Texas Software, LLC (“JuxtaComm”) is a limited liability company duly organized and existing under the law of Texas, having its principal place of business in Tyler, Texas.

2. Defendant Lanier Parking Systems of Virginia, Inc. (“Lanier of Virginia”) is a Georgia corporation with a principal place of business at 600 West Peachtree Street, NE, Suite 1600, Atlanta, GA 30308.

3. Defendant Hines Riverfront Plaza LP (“Hines”) is a Delaware limited partnership with a principal place of business at 2800 Post Oak Blvd, Suite 5000, Houston, TX 77056.

4. Defendant First States Investors 3500 LLC (“First States”) is a Delaware limited liability company with a principal place of business at 1725 The Fairway, Jenintown, PA 19046.

5. Defendant James Center Property, LLC (“James Center”) is a Delaware limited liability company with a principal place of business at 150 Broadway, Suite 800, New York, NY 10038.

6. Defendant Dominion Tower Financial Associates LLC (“Dominion”) is a Delaware limited liability company with a principal place of business of 555 E Main Street, Norfolk, VA 23510.

7. Defendant Direct Invest-500 East Main, LLC (“Direct”) is a Delaware limited liability company with a principal place of business of 1302 Concourse Drive, Suite 301, Linthicum Heights, MD 21090.

8. Defendant First Tower Associates, LP (“First Tower”) is a Virginia limited partnership with a principal place of business of 500 East Main Street, Suite 820, Norfolk, VA 23510.

JURISDICTION

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

10. This Court has personal jurisdiction over the Defendants in that each of them has committed acts within Virginia and this judicial district giving rise to this action and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over each of the Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

11. Each of the Defendants has committed acts within this judicial district giving rise to this action and does business in this district, including owning property and/or providing services to customers in this district.

12. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

GENERAL ALLEGATIONS

13. On February 27, 2001, United States Patent No. 6,195,662 (“the ‘662 Patent”) was duly and legally issued for an invention entitled “System for Transforming and Exchanging Data between Distributed Heterogeneous Computer Systems.” A true and correct copy of the ‘662 Patent is attached hereto as Exhibit A.

14. JuxtaComm is the exclusive licensee of the '662 Patent and has the right to sue on and seek enforcement of the '662 Patent.

15. In general, the claims of the '662 Patent are directed to a system that manipulates and transforms data from one computer system so that it can be used by another computer system.

16. In or around September, 2010, Plaintiff JuxtaComm retained non-party VPS Solutions, LLC ("VPS") to discuss licensing the '662 Patent to companies in the (PARCS) industry.

17. By letter dated September 14, 2010, on behalf of Plaintiff JuxtaComm, non-party VPS wrote to Timothy J. Walsh, President of Lanier Parking Solutions ("Lanier") (the "September 14, 2010 letter"). On information and belief, Lanier is the parent company of Lanier of Virginia.

18. The September 14, 2010 letter provided a copy of the '662 Patent, invited a meeting between non-party VPS and Lanier, and offered to license the patent to Lanier.

19. By e-mail dated October 13, 2010, Mr. Walsh referred non-party VPS to Lanier's attorney (the "October 13, 2010 e-mail").

20. Shortly after the October 13, 2010 e-mail, Lanier, through its attorney, advised non-party VPS that Lanier would not be taking a license to the '662 Patent.

21. Lanier has been on notice of the '662 patent since at least the date it received the September 14, 2010 letter.

22. On information and belief, after being on notice of the '662 Patent, Defendant Lanier of Virginia has continued to operate and/or expanded its operations in Virginia.

23. On information and belief, Defendant Lanier of Virginia operates parking facilities in the State of Virginia including, without limitation, those identified in paragraphs 25 to 32.

24. Upon information and belief, Defendant Hines owns parking facilities located at or near 951 E. Byrd Street, Richmond, Virginia.

25. Upon information and belief, Defendant First States owns parking facilities located at or near 1111 East Main Street, Richmond, Virginia.

26. Upon information and belief, Defendant James Center owns parking facilities located at or near 901 East Cary Street and 1051 East Cary Street, both in Richmond, Virginia.

27. Upon information and belief, Defendant Dominion owns parking facilities located at or near 999 Waterside Drive, Norfolk, VA.

28. Upon information and belief, Defendant Direct owns parking facilities located at or near 500 E Main Street, Norfolk, VA.

29. Upon information and belief, Defendant First Tower owns parking facilities located at or near 555 E Main Street, Norfolk, VA.

FIRST CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT LANIER OF VIRGINIA

30. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

31. Upon information and belief, Defendant Lanier of Virginia has made, used, sold, or offered for sale in this judicial district and elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

32. By way of example and without limitation, Defendant Lanier of Virginia infringes at least claim 1 of the '662 Patent.

33. Systems made, used, sold, or offered for sale by Defendant Lanier of Virginia that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

34. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities operated by Defendant Lanier of Virginia in the Eastern District of Virginia, including in Richmond and Norfolk.

35. Upon information and belief, Defendant Lanier of Virginia has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

36. Defendant Lanier of Virginia's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing

irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

37. Upon information and belief, Defendant Lanier of Virginia's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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. Upon information and belief, Defendant Lanier of Virginia's acts of infringement have caused damage to Plaintiff JuxtaComm.

39. Plaintiff JuxtaComm is entitled to recover from Defendant Lanier of Virginia the damages sustained by Plaintiff JuxtaComm as a result of Defendant Lanier of Virginia's individual wrongful acts in an amount subject to proof at trial.

SECOND CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT HINES

40. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

41. Upon information and belief, Defendant Hines has made, used, sold, or offered for sale in this judicial district and/or elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

42. By way of example and without limitation, Defendant Hines infringes at least claim 1 of the '662 Patent.

43. Systems made, used, sold, or offered for sale by Defendant Hines that infringe on at least one claim of the '662 patent include, by way of example only and without limitation,

Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

44. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant Hines in the Eastern District of Virginia.

45. Upon information and belief, Defendant Hines has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

46. Defendant Hines's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

47. Upon information and belief, Defendant Hines's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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.

48. Upon information and belief, Defendant Hines's acts of infringement have caused damage to Plaintiff JuxtaComm.

49. Plaintiff JuxtaComm is entitled to recover from Defendant Hines the damages sustained by Plaintiff JuxtaComm as a result of Defendant Hines's individual wrongful acts in an amount subject to proof at trial.

THIRD CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT FIRST STATES

50. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

51. Upon information and belief, Defendant First States has made, used, sold, or offered for sale in this judicial district and/or elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

52. By way of example and without limitation, Defendant First States infringes at least claim 1 of the '662 Patent.

53. Systems made, used, sold, or offered for sale by Defendant First States that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

54. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant First States in the Eastern District of Virginia.

55. Upon information and belief, Defendant First States has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

56. Defendant First States' infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

57. Upon information and belief, Defendant First States' infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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.

58. Upon information and belief, Defendant First States' acts of infringement have caused damage to Plaintiff JuxtaComm.

59. Plaintiff JuxtaComm is entitled to recover from Defendant First States the damages sustained by Plaintiff JuxtaComm as a result of Defendant First States' individual wrongful acts in an amount subject to proof at trial.

FOURTH CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT JAMES CENTER

60. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

61. Upon information and belief, Defendant James Center has made, used, sold, or offered for sale in this judicial district and/or elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

62. By way of example and without limitation, Defendant James Center infringes at least claim 1 of the '662 Patent.

63. Systems made, used, sold, or offered for sale by Defendant James Center that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

64. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant James Center in the Eastern District of Virginia.

65. Upon information and belief, Defendant James Center has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

66. Defendant James Center's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

67. Upon information and belief, Defendant James Center's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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.

68. Upon information and belief, Defendant James Center's acts of infringement have caused damage to Plaintiff JuxtaComm.

69. Plaintiff JuxtaComm is entitled to recover from Defendant James Center the damages sustained by Plaintiff JuxtaComm as a result of Defendant James Center's individual wrongful acts in an amount subject to proof at trial.

FIFTH CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT DOMINION

70. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

71. Upon information and belief, Defendant Dominion has made, used, sold, or offered for sale in this judicial district and/or elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

72. By way of example and without limitation, Defendant Dominion infringes at least claim 1 of the '662 Patent.

73. Systems made, used, sold, or offered for sale by Defendant Dominion that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

74. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant Dominion in the Eastern District of Virginia.

75. Upon information and belief, Defendant Dominion has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

76. Defendant Dominion's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

77. Upon information and belief, Defendant Dominion's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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.

78. Upon information and belief, Defendant Dominion's acts of infringement have caused damage to Plaintiff JuxtaComm.

79. Plaintiff JuxtaComm is entitled to recover from Defendant Dominion the damages sustained by Plaintiff JuxtaComm as a result of Defendant Dominion's individual wrongful acts in an amount subject to proof at trial.

SIXTH CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT DIRECT

80. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

81. Upon information and belief, Defendant Direct has made, used, sold, or offered for sale in this judicial district and/or elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

82. By way of example and without limitation, Defendant Direct infringes at least claim 1 of the '662 Patent.

83. Systems made, used, sold, or offered for sale by Defendant Direct that infringe on at least one claim of the '662 patent include, by way of example only and without limitation, Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

84. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant Direct in the Eastern District of Virginia.

85. Upon information and belief, Defendant Direct has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

86. Defendant Direct's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

87. Upon information and belief, Defendant Direct's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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.

88. Upon information and belief, Defendant Direct's acts of infringement have caused damage to Plaintiff JuxtaComm.

89. Plaintiff JuxtaComm is entitled to recover from Defendant Direct the damages sustained by Plaintiff JuxtaComm as a result of Defendant Direct's individual wrongful acts in an amount subject to proof at trial.

SEVENTH CAUSE OF ACTION:
INFRINGEMENT OF U.S. PATENT NO. 6,195,662
DEFENDANT FIRST TOWER

90. Paragraphs 1 through 31 are re-alleged and incorporated as if fully set forth herein.

91. Upon information and belief, Defendant First Tower has made, used, sold, or offered for sale in this judicial district and/or elsewhere throughout the United States products and/or services that infringe one or more claims of the '662 Patent.

92. By way of example and without limitation, Defendant First Tower infringes at least claim 1 of the '662 Patent.

93. Systems made, used, sold, or offered for sale by Defendant First Tower that infringe on at least one claim of the '662 patent include, by way of example only and without

limitation, Defendant Lanier of Virginia's revenue collection systems compliant with the Payment Card Industry Data Security Standard (PCI DSS).

94. On information and belief, Defendant Lanier of Virginia's revenue collection systems compliant with the PCI DSS are implemented and/or used for the benefit of parking facilities owned by Defendant First Tower in the Eastern District of Virginia.

95. Upon information and belief, Defendant First Tower has infringed and continues to infringe the '662 Patent pursuant to 35 U.S.C. § 271, either directly or by contributory infringement or by inducing infringement.

96. Defendant First Tower's infringement of Plaintiff JuxtaComm's exclusive rights under the '662 Patent will continue to damage Plaintiff JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

97. Upon information and belief, Defendant First Tower's infringement of the '662 Patent is willful and deliberate, entitling Plaintiff JuxtaComm 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.

98. Upon information and belief, Defendant First Tower's acts of infringement have caused damage to Plaintiff JuxtaComm.

99. Plaintiff JuxtaComm is entitled to recover from Defendant First Tower the damages sustained by Plaintiff JuxtaComm as a result of Defendant First Tower's individual wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

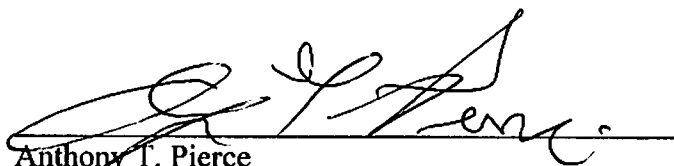
WHEREFORE, Plaintiff JuxtaComm prays for judgment and seeks relief against each of the Defendants as follows:

- (a) For Judgment that the '662 Patent has been and continues to be infringed by each Defendant;
- (b) For an accounting of all damages sustained by JuxtaComm as a result of the acts of infringement by each Defendant;
- (c) For preliminary and permanent injunctions enjoining each Defendant, their officers, agents, servants, employees, subsidiaries and attorneys, those persons acting in concert with them, including related individuals and entities, customers, representatives, dealers, and distributors from directly or indirectly infringing the '662 patent;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff JuxtaComm demands a jury trial.

Dated this 6th day of May 2011



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Kirt S. O'Neill (motion for admission pro hac vice to be submitted)
Melanie G. Cowart (motion for admission pro hac vice to be submitted)
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