

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

	x	
BROADSIGN INTERNATIONAL, LLC,	:	
	:	
Plaintiff,	:	Civil Action No.: 1:16-cv-04586 (LTS)
	:	
v.	:	
	:	
T-REX PROPERTY AB,	:	
	:	
Defendant.	:	
	x	

AMENDED COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, BroadSign International, LLC (“BroadSign”), brings this action for a declaratory judgment against Defendant, T-Rex Property AB (“T-Rex”). BroadSign seeks, among other things, a declaratory judgment of non-infringement of U.S. Patent No. RE39,470 (“the ’470 patent”); U.S. Patent No. 7,382,334 (“the ’334 patent”); and U.S. Patent No. 6,430,603 (“the ’603 patent”) (collectively, the “Patents-in-Suit”), and that BroadSign has intervening rights with respect to the ’470 patent. In support thereof, BroadSign alleges as follows:

NATURE OF THE ACTION

1. This is an action for a declaratory judgment of non-infringement of the ’470 patent, the ’334 patent, and the ’603 patent, and for intervening rights to the ’470 patent.

THE PARTIES

2. Plaintiff is a Delaware limited liability company with its principal place of business located at 453 N. Lindbergh Blvd. St. Louis, Missouri 63141. BroadSign is an industry leader in the business of providing digital out-of-home software and solutions for digital signage

and displays in venues such as airports, cinemas, shopping malls and offices.

3. Upon information and belief, Defendant T-Rex is a company organized and existing under the laws of Sweden

4. Upon information and belief, T-Rex's business is directed to owning and enforcing in litigation the Patents-in-Suit. Upon information and belief, over the last several years, T-Rex has filed approximately 59 patent infringement lawsuits against 80 defendants in 17 judicial districts throughout the United States. Upon information and belief, T-Rex does not itself manufacture or sell any products or offer for sale any products or services in the United States.

JURISDICTION AND VENUE

5. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§2201, *et seq.*, and under the Patent Laws of the United States, as enacted under Title 35 of the United States Code. This Court has jurisdiction over this action pursuant to 35 U.S.C. §§ 271, *et seq.*, and 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

6. This Court has both general and specific personal jurisdiction over T-Rex because T-Rex regularly conducts its enforcement and licensing business in New York State. T-Rex has also conducted business in and directed at New York pertaining to the Patents-in-Suit. T-Rex has at least conducted business in New York by filing suit in this forum state in an attempt to enforce the Patents-in-Suit. T-Rex most recently filed suit in the United States District Court for the Southern District of New York on February 1, 2016, asserting these same three Patents-in-Suit in an action against Blue Outdoor Holdings, LLC and its subsidiaries (*T-Rex Property AB v. Blue Outdoor LLC*, et. al., 1-16-cv-00733-DLC). T-Rex has filed numerous other suits asserting one or more of these patents in the United States District Court for the Southern District of New

York located including the following: *T-Rex Property AB, v. Adspace Networks, Inc.*, 1-15-cv-09073-DLC, filed on November 18, 2015 ('470 patent and '334 patent); *T-Rex Property AB, v. Interactivation Health Networks, LLC, et al.*, 1-15-cv-08259-PKC, filed on October 20, 2015 ('470 patent); *T-Rex Property AB, v. Wellness Network, LLC*, 1-15-cv-07847-PKC, filed on October 5, 2015 ('470 patent); and *T-Rex Property AB, v. Captivate, LLC*, 1-15-cv-04188-PAE, filed on May 29, 2015 ('470 patent and '334 patent).

7. Venue is proper in this Court under 28 U.S.C. § 1391 (b) and 1391(c) because T-Rex is subject to personal jurisdiction in this judicial district and has conducted business in this judicial district. Additionally, T-Rex has accused at least two of BroadSign's customers (Blue Outdoor Holdings and Adspace Networks) of patent infringement through their use of BroadSign's products in this judicial district, and such products are being used in this judicial district.

A SUBSTANTIAL CONTROVERSY EXISTS BETWEEN THE PARTIES

8. Upon information and belief, T-Rex is the assignee and owner of the right, title and interest in and to 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.

9. Upon information and belief, the business of T-Rex in the United States is to enforce one or more of the Patents-in-Suit against operating businesses that provide information, advertising, medical information and other content on digital displays over a digital signage network in locations that are accessible to the public such as at airports, in elevators, in shopping malls and at medical facilities (hereinafter referred to as "Digital Content Providers")

10. BroadSign is a supplier of hardware and software solutions to operators of networks of digital displays. BroadSign's platform includes an interface for managing a network

of BroadSign Players associated with the digital displays, and among other things, upload desired content, book and manage advertising campaigns and monitor network health. The BroadSign Players organize the content based on booked advertising campaigns and enable content to be played on the associated digital displays.

11. To date, at least five (5) BroadSign customers who are Digital Content Providers have been sued by T-Rex for patent infringement on one or more of the Patents-in-Suit. One of those customers, Health Media Network, LLC ("HMN"), was sued on May 27, 2016, in the United States District Court for the Northern District of Illinois in an action entitled *T-Rex Property AB v. Health Media Network, LLC*, Case No. 1:16-cv-05673 (hereinafter, the "T-Rex/HMN Action"). In the T-Rex/HMN Action, T-Rex accuses BroadSign's customer of infringing the '470 patent and identifies the allegedly infringing devices and systems as the defendant's "digital health media advertising network." The accused "digital health media advertising network" which T-Rex claims to infringe the '470 patent is the product that BroadSign sold and delivered to HMN. HMN has no other platform provider for its "digital health media network."

12. In the T-Rex/HMN Action, HMN has also been accused by T-Rex of infringing the '334 patent. Again, T-Rex identifies HMN's "digital health media advertising network" provided to HMN by BroadSign as the allegedly infringing product. HMN has no other platform provider for its "digital health media network."

13. In the T-Rex/HMN Action, HMN has also been accused by T-Rex of infringing the '603 patent. Again, T-Rex identifies HMN's "digital health media advertising network" provided to HMN by BroadSign as the allegedly infringing product. HMN has no other platform provider for its "digital health media network."

14. In another action filed by T-Rex against a BroadSign customer, T-Rex, in its Amended Complaint against ContextMedia Inc. and ContextMedia Health, LLC, filed on July 11, 2016, in the United States District Court for the Northern District of Illinois, Case No. 1:16-cv-04826, accuses the defendants' "Digital Waiting Room Screen" product of infringing the '470 Patent, the '334 Patent and the '603 Patent. The ContextMedia defendants have no other platform provider for its "Digital Waiting Room Screen" product other than BroadSign.

15. T-Rex has also had direct discussions and in-person meetings with BroadSign in which T-Rex has demanded that BroadSign take a license to the patents-in-suit in order for T-Rex to stop suing BroadSign's customers for patent infringement.

16. As a result of the T-Rex lawsuits filed against BroadSign's customers over the past year accusing BroadSign's products and services of infringing each of the Patents-in-Suit, and as a further result of the demands by T-Rex that BroadSign take a license to the patents in suit to prevent further patent infringement actions against BroadSign's customers, there is a real, immediate and justiciable controversy between T-Rex and BroadSign concerning infringement of sufficient immediacy to warrant the issuance of a declaratory judgment. There is a real and palpable threat of suit by T-Rex against BroadSign and/or against additional BroadSign customers arising from their use of BroadSign's products. This threat is real and not idle. Not only has T-Rex demanded that BroadSign take a license to the patents in suit, but in addition T-Rex has brought suits against BroadSign's existing customers and will likely continue to sue other BroadSign customers and has filed at least 43 patent infringement suits asserting one or more of these same patents in 17 separate judicial districts throughout the United States.

17. Given the lawsuits against BroadSign's customers, the demand for licensing made to BroadSign and T-Rex's litigious business model and conduct, T-Rex's actions have

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