

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

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

**SECOND AMENDED COMPLAINT FOR DECLARATORY JUDGMENT**

1. 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 and invalidity of U.S. Patent No. RE39,470 (“the ’470 patent”) (attached hereto as Exhibit 1); U.S. Patent No. 7,382,334 (“the ’334 patent”) (attached hereto as Exhibit 2); and U.S. Patent No. 6,430,603 (“the ’603 patent”) (attached hereto as Exhibit 3); (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**

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

**THE PARTIES**

3. 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.

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

5. 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**

6. 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.

7. 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).

8. 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**

9. 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.

10. 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").

11. 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.

12. As a supplier of digital out-of-home media products to the digital advertising industry, Plaintiff is under threat of litigation because T-Rex's aggressive litigation strategy involves asserting the Patents-in-Suit against both customers and suppliers. T-Rex has filed complaints alleging patent infringement of the Patents-in-Suit against suppliers similarly-situated to BroadSign, including suppliers of digital out-of-home media software and/or hardware. T-Rex has filed complaints against BroadSign's direct-competitor suppliers, including at least: Barco, Inc., Prismview, LLC (A Samsung Electronics Company), Table Top Media, LLC, Clear Channel Outdoor Holdings, Inc., GPS Industries, LLC, Quality Systems Technology, Inc., Four Winds Interactive, LLC, AutoNetTV Media, Inc., Cardinal Health, Inc., Zoom Media Corp., ANC Sports Enterprises, LLC, iPort Media Networks, LLC, Reach Sports Marketing Group, Inc., RMG Networks Holding Corporation, and Time-O-Matic d/b/a Watchfire.

13. Each of these suppliers has supplied software and/or hardware products to advertising customers in the digital out-of-home media space, and T-Rex's complaints allege infringement of the Patents-in-Suit against those products.

14. In its complaint against Barco, Inc., T-Rex alleged that the "infringing devices and systems include Defendant's digital signage network that employs Barco's digital signage platform, including its digital displays, digital media players, and DISplay Studio software platform." *T-Rex Property AB v. Barco, Inc.*, Case No. 1:16-cv-6938 (N.D. Ill. July 1, 2016); *T-Rex Property AB v. Barco, Inc.*, Case No. 1:16-cv-6940 (N.D. Ill. July 1, 2016). Barco's "digital signage network that employs Barco's digital signage platform, including its digital displays,

digital media players, and DISplay Studio software platform” makes it a direct competitor in the same industry as BroadSign.

15. In its complaint against Prismview, LLC (A Samsung Electronics Company), T-Rex alleged that “the infringing devices and systems include Defendant’s digital signs, other electronic displays and its PrismView digital signage software and systems that are used to control the display of images on its digital sign(s) and other electronic display(s).” *T-Rex Property AB v. Prismview, LLC*, Case No. 4:16-cv-00404 (E.D. Tex. June 16, 2016). Prismview’s “digital signage software and systems that are used to control the display of images on its digital sign(s) and other electronic display(s)” make it a direct competitor in the same industry as BroadSign.

16. In its complaint against Table Top Media, LLC, T-Rex alleged that “the infringing devices and systems include Defendant’s digital signage network and displays that use the Android OS based digital signage platform.” *T-Rex Property AB v. Table Top Media, LLC*, Case No. 1:16-cv-6932 (N.D. Ill. July 1, 2016). Table Top Media’s “digital signage network and displays that use the Android OS based digital signage platform” make it a direct competitor in the same industry as BroadSign.

17. In its complaint against Clear Channel Outdoor Holdings, Inc., T-Rex alleged that “the infringing devices and systems include Clear Channel’s digital advertising network and the Clear Channel Airports digital media and advertising network, which is also marketed as the ClearVision Network and/or the ClearVision Airport Television Network.” *T-Rex Property AB v. Clear Channel Outdoor Holdings, Inc. et al*, Case No. 6:16-cv-00974 (E.D. Tex. June 30, 2016); *T-Rex Property AB v. Clear Channel Outdoor Holdings, Inc.*, Case No. 5:12-cv-01162 (N.D. Tex. Dec. 11, 2012). Clear Channel Outdoor’s “digital advertising network and the Clear

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