

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PROPERTY DISCLOSURE	§	
TECHNOLOGIES LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. _____
	§	
v.	§	Jury Trial Demanded
	§	
BETTER HOMES AND GARDENS	§	
REAL ESTATE LLC AND	§	
DAVID WINANS GMAC	§	
TEXASMLS.COM LLC,	§	
	§	
<i>Defendants.</i>	§	

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Property Disclosure Technologies LLC files this Complaint for Patent Infringement against Defendants Better Homes and Gardens Real Estate LLC and David Winans GMAC TEXASMLS.com LLC and alleges as follows:

PARTIES

1. Plaintiff Property Disclosure Technologies LLC (“PDT”) is a Delaware Limited Liability Company having an address at One Commerce Center, 1201 Orange Street, Suite 600, Wilmington, Delaware 19899.

2. Upon information and belief, Defendant Better Homes and Gardens Real Estate LLC (“BHGRE”) is a Delaware Limited Liability Company, with its principal place of business located at 175 Park Avenue, Madison, New Jersey 07940-1123. BHGRE may be served with process through its registered agent in Texas: Corporate Creations Network Inc., 4265 San Filipe, Suite 1100, Houston, Texas 77027.

3. Upon information and belief, Defendant David Winans GMAC TEXASMLS.com LLC (“TEXASMLS”) is a Texas Limited Liability Company, with its principal place of business located at 17734 Preston Road, Suite 100, Dallas, Collin County, Texas 75252-5725. TEXASMLS may be served with process through its registered agent in Texas: David E. Winans, 17734 Preston Road, Suite 100, Dallas, Texas 75252.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have regular and established places of business in this district and/or have transacted business in this district and has committed and/or induced acts of patent infringement in this district. Specifically, TEXASMLS’ principal place of business is located in this district.

THE `167 PATENT-IN-SUIT

7. On September 1, 2009, the United States Patent and Trademark Office issued United States Patent No. 7,584,167 (the “167 Patent”) entitled “Real Estate Disclosure Reporting Method,” a true copy of which is attached as Exhibit A, to inventor G. Randall Bell.

8. PDT is the assignee of the `167 Patent and possesses all rights to sue for and recover all past, present and future damages for infringement of the `167 Patent.

THE '530 PATENT-IN-SUIT

9. On May 17, 2011, the United States Patent and Trademark Office issued United States Patent No. 7,945,530 (the “’530 Patent”) entitled “Real Estate Disclosure Reporting Method,” a true copy of which is attached as Exhibit B, to inventor G. Randall Bell, Ph.D.

10. PDT is the assignee of the ’530 Patent and possesses all rights to sue for and recover all past, present and future damages for infringement of the ’530 Patent.

**CLAIM 1
INFRINGEMENT OF U.S. PATENT NO. 7,584,167**

11. Defendants have been and now are directly infringing one or more claims of the ’167 Patent, in violation of 35 U.S.C. § 271, by making, offering and/or using in the United States the computer implemented websites <http://www.bhgrealestate.com> and <http://texasmls.com>, which provide computerized real estate searching and reporting functionality that performs one or more methods claimed in the ’167 Patent.

12. On information and belief, BHGRE created, developed, supports and operates both of the aforementioned websites. On information and belief, TEXASMLS is a real estate broker and a member BHGRE’s franchise brand network and implemented the BHGRE website at <http://texasmls.com>.

13. In addition and/or in the alternative, Defendants have been and/or are now indirectly infringing one or more claims of the ’167 Patent, in violation of 35 U.S.C. § 271(b), by inducing visitors (“End Users”) to their websites to directly infringe the ’167 Patent through their use of the infringing functionality. Defendants have been aware of the ’167 Patent since at least the date they were provided notice of this Complaint and may have been aware of the ’167 Patent prior to this date given that the inventor, Dr. Bell, is a well-known economist and property damages consultant in the real estate industry.

14. As a direct and proximate consequence of the acts and practices of Defendants in infringing, directly and/or indirectly, one or more claims of the `167 Patent, PDT has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

CLAIM 2
INFRINGEMENT OF U.S. PATENT NO. 7,945,530

15. Defendants have been and now are directly infringing one or more claims of the `530 Patent, in violation of 35 U.S.C. § 271, by making, offering and/or using in the United States the computer implemented websites <http://www.bhgrealestate.com> and <http://texasmls.com>, which provide computerized real estate searching and reporting functionality that performs one or more methods claimed in the `530 Patent.

16. On information and belief, BHGRE created, developed, supports and operates both of the aforementioned websites. On information and belief, TEXASMLS is a real estate broker and a member BHGRE's franchise brand network and implemented the BHGRE website at <http://texasmls.com>.

17. In addition and/or in the alternative, Defendants have been and/or are now indirectly infringing one or more claims of the `530 Patent, in violation of 35 U.S.C. § 271(b), by inducing visitors ("End Users") to their websites to directly infringe the `530 Patent through their use of the infringing functionality. Defendants will have been aware of the `530 Patent since at least the date they were provided notice of this Complaint and may have been aware of the `530 Patent prior to this date given that the inventor, Dr. Bell, is a well-known economist and property damages consultant in the real estate industry.

18. As a direct and proximate consequence of the acts and practices of Defendants in infringing, directly and/or indirectly, one or more claims of the `530 Patent, PDT has suffered, is

suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

GENERAL ALLEGATIONS

19. The limitation of damages provision of 35 U.S.C. § 287(a) is not applicable to PDT.

20. This case presents exceptional circumstances within the meaning of 35 U.S.C. § 285 and PDT is thus entitled to an award of its reasonable attorneys' fees.

DEMAND FOR JURY TRIAL

21. PDT, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, PDT requests entry of judgment that:

1. Defendants have infringed each of the patents-in-suit;
2. Defendants account for and pay to Plaintiff all damages caused by their infringement of the patents-in-suit;
3. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of one or more of Defendants' patent infringement;
4. Plaintiff be awarded enhanced damages in accordance with 35 U.S.C. § 284;
5. The Court declare this an exceptional case and that Plaintiff be granted reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
6. Costs be awarded to Plaintiff; and
7. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: January 13, 2014

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

By: /s/ Christopher M. Joe
Christopher M. Joe
State Bar No. 00787770
Chris.Joe@BJCIPLaw.com
Eric W. Buether
State Bar No. 03316880
Eric.Buether@BJCIPLaw.com
Brian A. Carpenter
State Bar No. 03840600
Brian.Carpenter@BJCIPLaw.com
Mark D. Perantie
State Bar No. 24053647
Mark.Perantie@BJCIPLaw.com
Monica Tavakoli
State Bar No. 24065822
Monica.Tavakoli@BJCIPLaw.com

1700 Pacific Avenue
Suite 4750
Dallas, Texas 75201
Telephone: (214) 466-1272
Facsimile: (214) 635-1828

**ATTORNEYS FOR PLAINTIFF
PROPERTY DISCLOSURE
TECHNOLOGIES LLC**