

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

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U.S. DISTRICT COURT
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TEXAS EASTERN

RFID World Ltd., §
§
Plaintiff §
§
v. §
§
WAL-MART STORES, INC.; THE §
GILLETE COMPANY; MICHELIN §
NORTH AMERICA, INC.; HOME §
DEPOT U.S.A., INC.; TARGET §
CORPORATION; & PFIZER HEALTH §
SOLUTIONS, §

Case No. 6:06cv363

BY _____

JURY TRIAL DEMANDED

Defendants

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, RFID World Ltd. ("RFID World"), files this Original Complaint against Defendants, Wal-Mart Stores, Inc. ("Wal-Mart"), The Gillette Company ("Gillette"), Michelin North America, Inc. ("Michelin"), Home Depot U.S.A., Inc. ("Home Depot"), Target Corporation ("Target"), and Pfizer Health Solutions ("Pfizer") and alleges as follows:

THE PARTIES

1. RFID World is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 9403 Millbury Drive, Houston, TX 77096.
2. Wal-Mart, on information and belief, is a corporation organized under the laws of the State of Delaware. Wal-Mart is doing business in Texas, and, on information and belief, has a principal place of business at 702 SW 8th Street Dept 8687 #0555, Bentonville, AR

72716-0555. Wal-Mart may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.

3. Gillette, on information and belief, is a corporation organized under the laws of the State of Delaware. Gillette is doing business in Texas, and, on information and belief, has a principal place of business at Prudential Tower Building, Boston, MA, 02199-8004. Gillette may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.
4. Michelin, on information and belief, is a corporation organized under the laws of the State of New York. Michelin is doing business in Texas, and, on information and belief, has a principal place of business at P.O. Box 19001, Attn Tax Department, Greenville, SC 29602-9001. Michelin may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.
5. Home Depot, on information and belief, is a corporation organized under the laws of the State of Delaware. Home Depot is doing business in Texas, and, on information and belief, has a principal place of business at 2455 Paces Ferry Road, Atlanta, GA 30339. Home Depot may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.
6. Target, on information and belief, is a corporation organized under the laws of the State of Minnesota. Target is doing business in Texas, and, on information and belief, has a principal place of business at 1000 Nicollet Mall TPN 0945, Minneapolis, MN 55403. Target may be served with process by serving its registered agent, the CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.

7. Pfizer, on information and belief, is a corporation organized under the laws of Delaware. Pfizer is doing business in Texas, and on information and belief, has a principal place of business at 150 East 42nd Street, 38th Floor, New York, NY 10017. Pfizer may be served with process by serving its registered agent, the CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

JURISDICTION & VENUE

8. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).
9. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

10. On November 22, 2005, United States Patent No. 6,967,563 (“the ‘563 patent”) entitled “Inventory Control System” was duly and legally issued. A true and correct copy of the ‘563 patent is attached as Exhibit A. The ‘563 patent is directed to inventory control systems that use radio frequency identification (“RFID”) apparatus or tags in conjunction with an interrogator/reader that generates a field of sufficient range to active each tag associated with each item of the inventory in communication with a computer.
11. Pursuant to 35 U.S.C. § 282, the above-listed United States Patent is presumed valid.
12. Ronald Bormaster is the inventor of the ‘563 patent.
13. On August 14, 2006, Ronald Bormaster assigned his entire interest in the ‘563 patent to RFID World, Ltd., which is now the sole owner of the ‘563 patent.

14. Wal-Mart, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Wal-Mart has in the past and continues to infringe at least claim 1 of the '563 patent.
15. Gillette, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Gillette has in the past and continues to infringe at least claim 1 of the '563 patent.
16. Michelin, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Michelin has in the past and continues to infringe at least claim 1 of the '563 patent.
17. Home Depot, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Home Depot has in the past and continues to infringe at least claim 1 of the '563 patent.
18. Target, on information and belief, uses an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Target has in the past and continues to infringe at least claim 1 of the '563 patent.
19. Pfizer, on information and belief, sells products that include or use an inventory control system utilizing the RFID technology claimed in the '563 patent. By utilizing such systems Pfizer has in the past and continues to infringe at least claim 1 of the '563 patent.
20. The Defendants' infringement of the '563 patent alleged above has injured RFID World and thus, it is entitled to recover damages adequate to compensate for the Defendants' infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

21. RFID World hereby demands a jury trial on all claims and issues triable of right by a jury.

PRAYER FOR RELIEF

Wherefore, RFID World prays for entry of judgment:

A. that Defendants, Wal-Mart, Gillette, Michelin, Home Depot, Target, and Pfizer have infringed one or more claims of the '563 patent;

B. that Defendants, Wal-Mart, Gillette, Michelin, Home Depot and Target, and Pfizer account for and pay to RFID World all damages caused by the infringement of the '563 patent, which by statute can be no less than a reasonable royalty;

C. that RFID World be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants, Wal-Mart, Gillette, Michelin, Home Depot and Target's infringement of the '563 patent;

D. that RFID World be granted its attorneys' fees in this action;

E. that costs be awarded to RFID World;

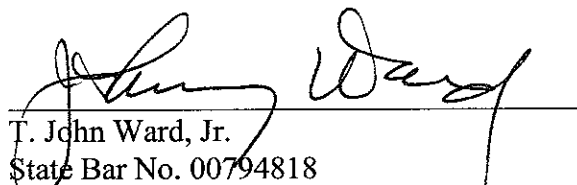
F. that RFID World be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

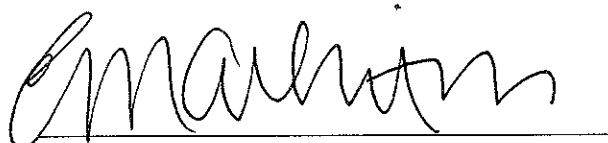
Date: 8/16/06



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