

JUDGE OETKEN

CIVIL COVER SHEET

14 CV

658618 2014

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
SMART DESTINATIONS, INC.

DEFENDANTS  
TRAVEL FUN CARD LLC and IVENTURE CARD ASIA LTD

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Jonathan H. Friedman, Esq.  
Foley & Lardner LLP, 90 Park Ave., New York, NY 10016-1614  
Ph: 212-338-3416

ATTORNEYS (IF KNOWN)  
(unknown)

CV

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This action arises under the patent laws of the United States, 35 U.S.C. §§1 et seq.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

CV

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> PHARMACEUTICAL PERSONAL	<input type="checkbox"/> SEIZURE OF PROPERTY
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 21 USC 881
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 690 OTHER
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> PRODUCT LIABILITY	
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'	<input type="checkbox"/> INJURY PRODUCT	
<input type="checkbox"/> ENFORCEMENT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> LIABILITY	
<input type="checkbox"/> OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<b>PERSONAL PROPERTY</b>	
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	
<input type="checkbox"/> RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	
<input type="checkbox"/> 152 DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE		
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE		
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	<b>LABOR</b>
<input type="checkbox"/> OVERPAYMENT	<input type="checkbox"/> INJURY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR
<input type="checkbox"/> OF VETERANS	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> STANDARDS ACT
<input type="checkbox"/> BENEFITS	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT
<input type="checkbox"/> 160 STOCKHOLDERS			<input type="checkbox"/> RELATIONS
<input type="checkbox"/> SUITS			<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> 190 OTHER			<input type="checkbox"/> 751 FAMILY MEDICAL
<input type="checkbox"/> CONTRACT			<input type="checkbox"/> LEAVE ACT (FMLA)
<input type="checkbox"/> 195 CONTRACT			<input type="checkbox"/> 790 OTHER LABOR
<input type="checkbox"/> PRODUCT			<input type="checkbox"/> LITIGATION
<input type="checkbox"/> LIABILITY			<input type="checkbox"/> 791 EMPL RET INC
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> SECURITY ACT
<b>REAL PROPERTY</b>	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	<b>IMMIGRATION</b>
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 462 NATURALIZATION
<input type="checkbox"/> CONDEMNATION	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> APPLICATION
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> VACATE SENTENCE	<input type="checkbox"/> 465 OTHER IMMIGRATION
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> ACCOMMODATIONS	<input type="checkbox"/> 28 USC 2255	<input type="checkbox"/> ACTIONS
<input type="checkbox"/> EJECTMENT	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 530 HABEAS CORPUS	
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> DISABILITIES -	<input type="checkbox"/> 535 DEATH PENALTY	
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 540 MANDAMUS & OTHER	
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 446 AMERICANS WITH		
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> DISABILITIES -OTHER		
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 448 EDUCATION		

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER Injunction JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented    ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF    ☐ 2 U.S. DEFENDANT    ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☐ 4 DIVERSITY

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[ ] [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] [ ]	FOREIGN NATION	[ ] [ ]

*CLM*

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Smart Destinations, Inc.  
711 Atlantic Ave., Boston, MA 02114

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Travel Fun Card LLC  
520 White Plains Rd., Ste. 500, Tarrytown, NY 10591

iVenture Card Asia Ltd

Kingswell Commercial Tower, Unit 7A, 173 Lockhard Rd., Wanchai, Hong Kong

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS    ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 08/18/2014 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

☒ YES (DATE ADMITTED Mo. October Yr. 2007)

Attorney Bar Code # JF1427

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court

**MAG. JUDGE ELLIS**

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

JUDGE OETKEN

**14 CV 6586**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

FILED  
U.S. DISTRICT COURT  
2014 AUG 18 PM 4:11  
S.D. OF N.Y.

SMART DESTINATIONS, INC.

Plaintiff,

v.

TRAVEL FUN CARD LLC, and  
IVENTURE CARD ASIA LTD.

Defendants.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff, Smart Destinations, Inc. ("Smart Destinations") is a Delaware corporation having a principal place of business at 711 Atlantic Avenue, Boston, MA 02114.
2. On information and belief, Defendant Travel Fun Card LLC ("Travel Fun Card") is an entity organized under the laws of New York and having a principal place of business at 520 White Plains Road, Suite 500, Tarrytown, NY 10591.
3. On information and belief, Defendant iVenture Card Asia Ltd ("iVenture") is an entity organized under the laws of Hong Kong and having a place of business at Kingswell Commercial Tower, Unit 7A, 173 Lockhart Road, Wanchai, Hong Kong.
4. This action arises under the patent laws of the United States, 35 U.S.C. §§1 *et seq.*
5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
6. This Court has personal jurisdiction over Travel Fun Card because it is a New York entity having its principal place of business in New York.

7. This Court has personal jurisdiction over iVenture by virtue of its continuous and systematic contacts with New York in the normal course of its business and because it has committed acts within the state of New York that give rise to Smart Destinations' claims.

#### **Background**

8. Smart Destinations is the owner of United States Patent No. 7,765,128 ("the '128 Patent") entitled "Programmable Ticketing System," and has a right to sue on the '128 Patent. A copy of the '128 Patent is attached as Exhibit A.

9. Smart Destinations is the owner of United States Patent No. 8,346,618 ("the '618 Patent") entitled "Programmable Ticketing System," and has a right to sue on the '618 Patent. A copy of the '618 Patent is attached as Exhibit B.

10. On information and belief, Travel Fun Card makes, uses, sells, offers for sale, and/or imports products and services under the name VISITicket, including smartcard based attraction passes marketed as Las Vegas Power Pass and Honolulu Power Pass.

11. On information and belief, iVenture makes, uses, sells, offers for sale, and/or imports products and services under the name iVenture Card, including smartcard based attraction passes marketed as Las Vegas Unlimited Attractions Pass and Honolulu Unlimited Attractions Pass.

#### **First Cause of Action** **(Travel Fun Card's Infringement of the '128 Patent)**

12. Smart Destinations incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

13. On information and belief, Defendant Travel Fun Card infringes and/or is liable for the infringement of the '128 Patent under 35 U.S.C. §271 (literally and/or by equivalents), including at least by making, using, selling, offering to sell and/or importing the Las Vegas Power Pass, and/or Honolulu Power Pass, and/or systems related thereto.

14. On information and belief, prior to this action Defendant Travel Fun Card had knowledge of the '128 patent.

15. On information and belief, Defendant Travel Fun Card's infringement of the '128 Patent has been willful, has caused and will continue to cause Smart Destinations to suffer substantial damages, and has caused and will continue to cause Smart Destinations to suffer irreparable harm for which there is no adequate remedy at law.

**Second Cause of Action**  
**(Travel Fun Card's Infringement of the '618 Patent)**

16. Smart Destinations incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

17. On information and belief, Defendant Travel Fun Card infringes and/or is liable for the infringement of the '618 Patent under 35 U.S.C. §271 (literally and/or by equivalents), including at least by making, using, selling, offering to sell and/or importing the Las Vegas Power Pass, and/or Honolulu Power Pass, and/or systems related thereto.

18. On information and belief, prior to this action Defendant Travel Fun Card had knowledge of the '618 patent.

19. On information and belief, Defendant Travel Fun Card's infringement of the '618 Patent has been willful, has caused and will continue to cause Smart Destinations to suffer substantial damages, and has caused and will continue to cause Smart Destinations to suffer irreparable harm for which there is no adequate remedy at law.

**Third Cause of Action**  
**(iVenture's Infringement of the '128 Patent)**

20. Smart Destinations incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

21. On information and belief, Defendant iVenture infringes and/or is liable for the infringement of the '128 Patent under 35 U.S.C. §271 (literally and/or by equivalents), including at least by making, using, selling, offering to sell and/or importing the Las Vegas Unlimited Attractions Pass and/or the Honolulu Unlimited Attractions Pass, and/or systems related thereto.

22. On information and belief, prior to this action Defendant iVenture had knowledge of the '128 patent.

23. On information and belief, Defendant iVenture's infringement of the '128 Patent has been willful, has caused and will continue to cause Smart Destinations to suffer substantial damages, and has caused and will continue to cause Smart Destinations to suffer irreparable harm for which there is no adequate remedy at law.

**Fourth Cause of Action**  
**(iVenture's Infringement of the '618 Patent)**

24. Smart Destinations incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

25. On information and belief, Defendant iVenture infringes and/or is liable for the infringement of the '618 Patent under 35 U.S.C. §271 (literally and/or by equivalents), including at least by making, using, selling, offering to sell and/or importing the Las Vegas Unlimited Attractions Pass and/or the Honolulu Unlimited Attractions Pass and/or systems related thereto.

26. On information and belief, prior to this action Defendant iVenture had knowledge of the '618 patent.

27. On information and belief, Defendant iVenture's infringement of the '618 Patent has been willful, has caused and will continue to cause Smart Destinations to suffer substantial damages, and has caused and will continue to cause Smart Destinations to suffer irreparable harm for which there is no adequate remedy at law.

**Prayer for Relief**

WHEREFORE, Smart Destinations respectfully requests the following relief:

1. enjoin Travel Fun Card and iVenture, and their affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from further infringement of the '128 and '618 Patents;
2. award Smart Destinations compensatory damages, costs, prejudgment interest and postjudgment interest for the infringement of the '128 and '618 Patents alleged herein;
3. award Smart Destinations treble damages for willful patent infringement;
4. declare this to be an exceptional case under 35 U.S.C. §285 and award Smart Destinations its reasonable attorneys' fees; and
5. award such other and further relief as the Court may deem just and proper.

**Demand for Jury Trial**

Smart Destinations hereby demands a trial by jury of all issues so triable in this action.

Respectfully Submitted,

Smart Destinations, Inc.  
By its Attorneys,



---

Jonathan H. Friedman  
jfriedman@foley.com  
Foley & Lardner LLP  
90 Park Avenue  
New York, NY 10016-1314  
Phone: 212-338-3416  
Fax: 212-687-2329

OF COUNSEL:

Matthew B. Lowrie  
mlowrie@foley.com  
Lucas I. Silva  
lsilva@foley.com  
Foley & Lardner, LLP  
111 Huntington Avenue  
Boston, MA 02199  
Phone: 617-342-4000  
Fax: 617-342-4001

Dated: August 18, 2014