

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SMART SEARCH CONCEPTS, LLC,)
)
Plaintiff,)
)
v.) Civil Action No. _____
)
BUY.COM INC.,) **JURY TRIAL DEMANDED**
)
Defendant.)
_____)

COMPLAINT

For its Complaint, Plaintiff Smart Search Concepts, LLC ("Smart Search"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Smart Search is a Delaware limited liability company with a place of business located at 80 Sanford Place, Southampton, New York 11968.
2. Defendant Buy.com Inc. ("Defendant") is a Delaware corporation with, upon information and belief, a place of business located at 85 Enterprise, Aliso Viejo, California 92656.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in

other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

7. On March 6, 2007, United States Patent No. 7,188,100 (the "'100 patent"), entitled "Search-on-the-Fly Report Generator," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '100 patent is attached hereto as Exhibit A.

8. On November 27, 2007, United States Patent No. 7,302,423 (the "'423 patent"), entitled "Search-on-the-Fly with Merge Function," was duly and lawfully issued by the USPTO. A true and correct copy of the '423 patent is attached hereto as Exhibit B.

9. On August 11, 2009, United States Patent No. 7,574,432 (the "'432 patent"), entitled "Search-on-the-Fly/Sort-on-the-Fly Search Engine," was duly and lawfully issued by the USPTO. A true and correct copy of the '432 patent is attached hereto as Exhibit C.

10. Smart Search is the assignee and owner of the right, title and interest in and to the '100, '423 and '432 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,188,100

11. Smart Search repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 1 of the '100 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the

United States and/or importing into this district and elsewhere in the United States, products or services that, among other features, search a database on-the-fly after receiving a database query, generate a defined query of the database from the received query, access a database using the defined query, generate a search result that includes descriptors of data categories, and create a template that includes links to the data categories, including but not limited to search features of Defendant's website www.rakuten.com. A copy of relevant portions of the www.rakuten.com website is attached hereto as Exhibit D.

13. Smart Search is entitled to recover from Defendant the damages sustained by Smart Search as a result of Defendant's infringement of the '100 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,302,423

14. Smart Search repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 1 of the '423 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, products or services that, among other features, determine a database schema for a database, provide a list of database fields that includes a descriptor indicating a data category, receive a search selection for a database field on the provided list of database fields, determine a number of characters included in each entry in the selected database field, and if the number of characters included in each entry exceeds a specified amount

of characters, display a portion of each entry in the selected database field, and if the number of characters included in each entry does not exceed the specified amount, display each entry in its entirety, including but not limited to search features of Defendant's website www.rakuten.com. A copy of relevant portions of the www.buy.com website is attached hereto as Exhibit E.

16. Smart Search is entitled to recover from Defendant the damages sustained by Smart Search as a result of Defendant's infringement of the '423 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,574,432

17. Smart Search repeats and realleges the allegations of paragraphs 1 through 16 as if fully set forth herein.

18. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 1 of the '432 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, products or services that, among other features, receive a selection of one or more databases, present a menu with a list of data fields from the selected database(s), receive a selection of data field and storing the selection as a first constraint parameter, search the database(s) based on the first constraint parameter, generate a search result based on the first constraint parameter that includes entries presented in a second menu, receive a selection of data field from the second menu and storing the selection as a second constraint parameter, generate a search result based on the first and second constraint parameters that includes entries presented in a third menu on the same screen as the first

and second menus, including but not limited to search features of Defendant's website www.rakuten.com. A copy of relevant portions of the www.rakuten.com website is attached hereto as Exhibit F.

19. Smart Search is entitled to recover from Defendant the damages sustained by Smart Search as a result of Defendant's infringement of the '432 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Smart Search hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Smart Search requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '100, '423 and '432 patents;

B. An award of damages to be paid by Defendant adequate to compensate Smart Search for Defendant's past infringement of the '100, '423 and '432 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Smart Search's reasonable attorneys' fees; and

D. An award to Smart Search of such further relief at law or in equity as the Court deems just and proper.

Dated: June 7, 2013

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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