

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

REWARDS NETWORK INC.,	)	
a Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
RAINBOW REWARDS USA, INC.	)	JURY TRIAL DEMANDED
a Delaware corporation,	)	
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Rewards Network Inc. (“Rewards Network”), for its Complaint against Defendant, Rainbow Rewards USA, Inc. (“Rainbow Rewards”), seeking damages, injunctive relief, and other relief for patent infringement, alleges as follows:

**PARTIES**

1. Rewards Network is a corporation organized and existing under the laws of the State of Delaware. Rewards Network has its principal place of business at 2 North Riverside Plaza, Suite 200, Chicago, Illinois 60606.

2. On information and belief, Rainbow Rewards is a corporation organized and existing under the laws of the State of Delaware. On information and belief, Rainbow Rewards has its principal place of business at 999 18th Street, Suite 2250, Denver, Colorado 80202.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over Rewards Network’s patent infringement claims under 28 U.S.C. § 1338(a).

4. This Court has personal jurisdiction over Rainbow Rewards because it is incorporated in this District.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) because Rainbow Rewards resides in this District.

### **SUBSTANTIVE ALLEGATIONS**

6. On April 26, 2011, the United States Patent and Trademark Office issued U.S. Patent No. 7,933,841 (the “’841 Patent”) entitled System and Method for Providing Consumer Rewards, a copy of which is attached hereto as Exhibit A. The ’841 Patent describes and claims a method for providing an automated customer reward program.

7. Rewards Network is the owner of the entire right, title, and interest in the ’841 Patent.

8. Since the issuance of the ’841 Patent, Rainbow Rewards has infringed and is still infringing one or more claims of the ’841 patent by operating its rewards program, which embodies the patented invention recited in one or more claims of the ’841 Patent.

9. Since the issuance of the ’841 Patent, Rainbow Rewards has infringed the ’841 Patent jointly, in conjunction with third parties operating under Rainbow Rewards’ direction and/or control. Specifically, on information and belief, as a condition for participation in Rainbow Rewards’ rewards program, merchants are contractually obligated to provide credit card transactional information regarding purchases made by Rainbow Rewards’ customers (e.g., consumers enrolled in Rainbow Rewards’ rewards program) to a credit card aggregator. Accordingly, third parties practice one or more step(s) recited in one or more claims of the ’841 Patent under the direction and/or control of Rainbow Rewards. The remaining steps recited in

one or more claims of the '841 Patent are performed by Rainbow Rewards directly through the operation of Rainbow Rewards' rewards program.

10. Rainbow Rewards' infringement will continue unless enjoined by this Court.

11. Rainbow Rewards has caused Rewards Network to suffer, and unless enjoined by this Court, will cause Rewards Network to continue to suffer substantial injury, including lost profits, for which Rewards Network is entitled to damages adequate to compensate it for Rainbow Rewards' infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Rewards Network respectfully requests judgment and relief against Rainbow Rewards as follows:

A. A judgment that Rainbow Rewards has infringed the '841 Patent;

B. An injunction against Rainbow Rewards, its subsidiaries, affiliates, parents, successors, assignees, officers, agents, servants, employees, and all persons acting in concert or in participation with them, or any of them, permanently enjoining each of them from infringing, contributing to, or inducing the infringement of the '841 Patent;

C. Awarding Rewards Network damages adequate to compensate for Rainbow Rewards' infringement of the '841 Patent, but in no event less than a reasonable royalty on Rainbow Rewards' use of Rewards Network's invention;

D. Awarding pre-judgment interest on any damages award;

E. Declaring that this is an exceptional case under 35 U.S.C. § 285, and for an award of increased damages, attorneys' fees, and costs; and

F. Granting such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Rewards Network hereby demands trial by jury for all issues so triable.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Adam W. Poff*

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