

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

**RECRUITME, LLC,**

Plaintiff,

v.

**COUCHSURFING INTERNATIONAL,  
INC.,**

Defendant.

**Civil Action No. 2:13-cv-1155**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which RecruitME, LLC (“RecruitMe” or “Plaintiff”) makes the following allegations against CouchSurfing International, Inc. (“CouchSurfing”):

**PARTIES**

1. Plaintiff RecruitME is a Texas limited liability company, having a principal place of business at 7005 Chase Oaks Blvd., Suite 180, Plano, TX 75025.

2. Defendant CouchSurfing is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at Casey Fenton, 340 Kansas St, San Francisco, 94103. CouchSurfing may be served via its registered agent for service of process: The Corporation Service Company, 2711 Centerville Rd. Ste. 400, Wilmington, DE 19808.

### **JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this District, and has committed and/or induced acts of patent infringement in this District.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, 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 Texas and in this Judicial District.

### **COUNT I** **INFRINGEMENT OF U.S. PATENT NO. 5,623,660**

6. Plaintiff is the owner by assignment of United States Patent No. 5,623,660 ("the '660 Patent") titled "System for Regulating Access to Data Base for Purpose of Data Base Management." The '660 Patent issued on April 22, 1997. A true and correct copy of the '660 Patent is attached as **Exhibit A** hereto.

7. Upon information and belief, Defendant has been and is now infringing the '660 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, methods practiced on various CouchSurfing websites (including, without limitation, [www.couchsurfing.org](http://www.couchsurfing.org)), for regulating access to a data base containing both primary and secondary data, limiting access to primary data until a selected precondition has been

satisfied, including determining that a number of needs listed relative to a number of leads is sufficient, covered by one or more claims of the '660 Patent to the injury of RecruitMe. Defendant is directly infringing, literally infringing, and/or infringing the '660 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

8. On information and belief, to the extent any marking was required by 35 U.S.C. §287, all predecessors in interest to the '660 Patent complied with any such requirements.

9. As a result of Defendant's infringement of the '660 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of RecruitME's invention by Defendant, together with interest and costs as fixed by the Court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '660 Patent, Plaintiff will be greatly and irreparably harmed.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '660 Patent;
2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '660 Patent, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant to pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '660 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

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

DATED December 31, 2013.

Respectfully submitted,

By: \s\ Hao Ni

Hao Ni

Texas Bar No. 24047205

hni@nilawfirm.com

Timothy T. Wang

Texas Bar No. 24067927

twang@nilawfirm.com

Neal G. Massand

Texas Bar No. 24039038

nmassand@nilawfirm.com

Stevenson Moore V

Texas Bar No. 24076573

smoore@nilawfirm.com

**Ni, Wang & Associates, PLLC**

8140 Walnut Hill Ln., Ste. 310

Dallas, TX 75231

Tel: (972) 331-4600

Fax: (972) 314-0900

**ATTORNEYS FOR PLAINTIFF  
RECRUITME, LLC**