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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BOUNDARY SOLUTIONS INC., a California
corporation,

Plaintiff,

vs.

CORELOGIC, INC. a Delaware corporation;

Defendant.

Case No.: 5:14-cv-00761-PSG

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

SECOND AMENDED COMPLAINT

Plaintiff Boundary Solutions Inc. ("Plaintiff" or "BSI") files this First Amended Complaint for patent infringement against CoreLogic, Inc. ("CoreLogic" or "Defendant") alleging as follows:

1. BSI is an operating company engaged in the development marketing and sale of information and applications relating to digital parcel maps. BSI's content includes digital parcel boundary information joined with extensive tax roll attributes, US Postal Service compliant situs (actual) street addresses, valuation, use codes, owner information, year built, unit sales information and other property characteristics.

2. In 2001, First American Corporation ("FirstAm"), the nationwide leader in real estate title services and predecessor to Defendant CoreLogic, became interested in BSI and its National ParcelMap Data Portal ("NPDP"). On November 8, 2001, BSI pursuant to a strict non-

1 disclosure agreement signed two days earlier, presented to the current president and CEO of
2 FirstAm – then President of First American Corp.'s Property Information Group, including its real
3 estate solutions subsidiary First American RES, Dennis Gilmore, for the first time in the industry a
4 standard FirstAm county tax roll attribute database sample (Houston) successfully joined to a
5 digital parcel map. The map could accurately locate the exact location of a particular address
6 associated with a parcel boundary showing the particular tax role information when a cursor was
7 placed inside a particular parcel. The demonstration also confirmed that all of the county records
8 were successfully linked to parcels using BSI's process for spatially normalizing all records.

9 3. In January of 2002, BSI filed a provisional patent application entitled "National
10 ParcelMap Data Portal." U.S. Patent Application No. 60/353,656. A series of patents issued in
11 2006 to 2011, all claiming priority to this provisional application.

12 4. The initial FirstAm demonstration was followed by a flurry of activity, but
13 eventually went nowhere. Approximately two years later, FirstAm approached BSI once again.
14 For the following two years, there was relatively continuous contact between BSI and FirstAm,
15 under a renewed non-disclosure agreement, dated April 2, 2004. BSI and FirstAm discussed BSI's
16 pending non-provisional patent application, U.S. Pat. App. No. 10/347,102, filed January 17,
17 2003. FirstAm expressed a high level of interest in the ability of BSI's NPDP to establish the
18 exact location of parcel addresses, as detailed in the application. In 2005, the discussions had
19 evolved to First Am expressing interest in acquiring BSI and indicating that the patent application
20 was an important asset in such a transaction. First Am's Kevin Madden and James Rinn met with
21 BSI specifically advising that it was following the prosecution of the patent application.

22 5. According to FirstAm, "BSI is using parcel coverages to enable address search
23 mechanisms that identify the exact location of property rather than less accurate geo-coded
24 address points." These improved services would "enhance [FirstAM's] automation from [its]
25 databases and also speed up the manual determination process. Use of this information would
26 provide advantages over competition by increasing automation rates and lowering lower cost
27 structure."

28 6. Thus, FirstAm concluded that BSI's patents would be quite valuable to it:

“[i]deally, the goal is to create the situation whereby [FirstAm] has the ability to locate the exact address sites and prevent others from using the same technology.” After a protracted review process, FirstAm passed on any business relationship and instead directed its own engineers to copy BSI’s product plans and introduce its own NPDP. The following year, FirstAm filed the first of its copy-cat patent applications, provisional applications No. 60/872,831 and No. 60/899,904, filed on December 5, 2006 and February 7, 2007, adopting many of the BSI inventions without disclosing to the USPTO the true inventors of its patent.

7. Beginning in 2006, on information and belief, CoreLogic introduced a series of improvements to its products to include parcel mapping functions and applications. Such improvements included its Parcel Point and PxPoint products. Other products such as Xiance rely on parcel-level geocoding to return the exact location as a basis for analysis of taxing jurisdiction information. CoreLogic also bundles its Parcel Point data in with specialized datasets such as its Marcellus & Utica Shale Data Suites.

8. By the time of the filing of the original complaint in this matter, CoreLogic had sold and continues to sell the following infringing products and services: Xiance, RealQuest, RealQuest Professional (realquestpro.com), Realist, various MLS products (including, Matrix, Innovia, and Fusion), ValueMap, AgentAchieve, AppraiserSuite, Data Co-op, GIS Portal, ArcGIS Online, SpatialRecord by CoreLogic, the Marcellus and Utica Shales Data Suite, Windpool layer, Wind Borne Debris layer, and Natural Hazard Risk Solutions (including RiskMeter Online), FloodInsight, and floodcert.com.

THE PARTIES

9. Plaintiff BSI is a corporation organized under the laws of the state of California with its principal place of business in Mill Valley, CA. It is the owner of United States Patent Nos. 7,092,957, 7,499,946, and 8,065,352 (“Patents-in-Suit”).

10. Defendant CoreLogic, on information and belief, is a corporation organized under the laws of the State of Delaware. CoreLogic is doing business in Northern California, and has its principal place of business at 40 Pacifica Suite 900, Irvine, CA 92618 USA.

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JURISDICTION & VENUE

11. 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 35 U.S.C. § 271 and 28 U.S.C. § 1338(a).

12. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, Defendant transacts or has transacted business in this judicial district, or committed and/or induced acts of patent infringement in this district.

INTRADISTRICT ASSIGNMENT

13. This action is an intellectual property action subject to district-wide assignment.

FACTUAL BACKGROUND

14. On August 15, 2006, United States Patent No. 7,092,957, (“the ‘957 patent”) entitled “Computerized national online parcel-level map data portal” was duly and legally issued. BSI holds the title by assignment from the inventor, Dennis Klein, including the right to sue for past, present and future damages. A copy of the ‘957 patent is attached as Exhibit A.

15. On March 3, 2009, United States Patent No. 7,499,946, (“the ‘946 patent”) entitled “Computerized national online parcel-level map data portal” was duly and legally issued. BSI holds the title by assignment from the inventor, Dennis Klein, including the right to sue for past, present and future damages. A copy of the ‘946 patent is attached as Exhibit B.

16. On November 22, 2011, United States Patent No. 8,065,352 (“the ‘352 patent”) entitled “Computerized national online parcel-level map data portal” was duly and legally issued. BSI holds the title by assignment from the inventor, Dennis Klein, including the right to sue for past, present and future damages. A copy of the ‘352 patent is attached as Exhibit C.

17. The ‘957, ‘946, and ‘352 patents (“Patents-in-Suit”) are directed to methods for the online delivery of parcel-level maps and linked attribute data. The ‘957 and ‘946 patents covers methods for retrieving geographic parcel boundary polygon maps and associated parcel attribute data linked to a non-graphic database. The ‘352 patent covers methods for retrieving and displaying geographic parcel boundary polygon maps. The methods covered in these patents were and continue to be embodied in BSI’s flagship product, its NPDP. The NPDP manages a database

1 of assembled and current vector based parcel data in a spatial format that enables geocoded parcel
 2 boundaries to be linked to property tax and other records. The data is organized from the tax and
 3 property rolls of thousands of county and municipal data sources, each source being described by a
 4 jurisdictional identifier that provides raw data which is converted automatically into a common
 5 format for storage in the database. A user enters a street address or Assessor's Parcel Number
 6 ("APN") into an appropriate screen window to call up and view road right-of-ways, parcel
 7 boundaries at the "exact" address location highlighting the parcel area. Alternatively, customers
 8 can use the NPDP application programming interface (API) to incorporate a parcel boundary layer
 9 into their own mapping applications. In addition, by placing the cursor within a parcel, a list of
 10 property record attributes such as owner, use code, assessed value and year constructed can be
 11 displayed. Users may customize the NPDP to perform a variety of spatial analysis/reporting
 12 functions. Custom functions utilizing the NPDP can include title company flood disclosure
 13 determinations. An "exact" location polygon can streamline flood insurance disclosure
 14 determinations, as for example, determining whether or not a parcel is in the flood zone by
 15 calculating whether its boundary is in or crosses a flood zone boundary polygon. An address list of
 16 all addresses for which flood insurance determination is desired is used to retrieve the
 17 corresponding parcel boundaries and spatially compared to the pertinent flood zone polygons to
 18 see if it is in, partially in, near or not in the flood zone. Many other applications are enabled by
 19 BSI's novel map utilizing parcel boundaries with improved interactivity and automation
 20 capabilities.

21 18. Pursuant to 35 U.S.C. § 282, the Patents-in-Suit are presumed valid.

22 19. On information and belief, Defendant CoreLogic develops markets and distributes
 23 infringing products including its Xiance, RealQuest, RealQuest Professional (realquestpro.com),
 24 Realist, various MLS products (including, Matrix, Innovia, and Fusion), ValueMap,
 25 AgentAchieve, AppraiserSuite, Data Co-op, GIS Portal, ArcGIS Online, SpatialRecord by
 26 CoreLogic, the Marcellus and Utica Shales Data Suite, Windpool layer, Wind Borne Debris layer,
 27 and Natural Hazard Risk Solutions (including RiskMeter Online), FloodInsight, and floodcert.com
 28 products and services. It had contributed to and continues to contribute to acts of infringement by

1 causing and encouraging others to use the aforementioned products. These products on sold
2 directly to customers and used by them in conjunction with CoreLogic's online services, or
3 combined with other data by the customer to provide their own online services or GIS
4 applications. As CoreLogic explains on its website "In fact, Parcel boundary map or cadastral
5 map data is today's fundamental building block for all location-based solutions and is used by a
6 wide range of companies—including our own flood services business." With respect to its own
7 flood services products, CoreLogic explains: "To obtain a fast and accurate response, we process
8 the Flood Determination through our comprehensive database of digital maps, parcel boundaries
9 and previously determined properties." The aforementioned products feature the searching,
10 retrieving and display of infringing parcel boundary maps and associated information that are
11 especially designed, made, or adapted for use in an infringing manner, and have no substantial
12 non-infringing uses. In one case study touted on CoreLogic's website, it explains how ParcelPoint
13 helped the Trust for Public Land use parcel data from ParcelPoint to identify how many children
14 live within a half mile from a given park or open space.

15 20. Defendant has known of the patents-in-suit as of February 21, 2014 when the
16 original complaint in this action was served. It is continuing to use, sell and import the accused
17 products and services and continuing to induce and encourage others to infringe despite the filing
18 of this action.

19 21. Before the filing of the case, CoreLogic (and its predecessor) had actual notice of
20 the Patents-in-Suit and had reason to know of their existence, and/or willfully turned a blind eye to
21 their existence. CoreLogic's predecessor was informed by BSI of the existence of the '957 patent
22 by email soon after it issued. CoreLogic had knowledge of multiple pending applications derived
23 from the '957 parent, including one that issued as the '946 Patent, and recklessly failed to properly
24 investigate the circumstances of the issuance of the BSI other patents in suit. Before and after their
25 issuance, BSI informed CoreLogic of the substance of its inventions, the text of the entire
26 specification and, in the case of the '957 patent, the exact wording of the allowed claims before its
27 issuance.

28 22. CoreLogic's prosecution attorneys cited one of the patents-in-suit and applications

1 multiple times in connection with the prosecution of its own patents, On January 24, 2008,
2 CoreLogic cited the '957 patent and the application that led to the '946 patent in connection with
3 its U.S. Patent No. 7,917,292. The same disclosure was made in connection with the application
4 that led to U.S. Patent No. 8,542,884, the application that led to U.S. Patent No.8,538,918, the
5 application that led to U.S. Patent No. 7,890,509, the application that led to U.S. Patent No.
6 8,078,594, the application that led to U.S. Patent No. 8,655,595, and the application that led to
7 U.S. Patent No. 8,649,567. Additionally, CoreLogic made the same disclosure in abandoned
8 Application No. 13/300,207, and in currently pending Application No. 13/961,369.

9 23. In 2001, as it prepared its provisional patent application, BSI entered a non-
10 disclosure agreement with CoreLogic's predecessor, First American, in preparation for discussion
11 with Jerry Hoerauf, executive in its Mergers and Acquisitions Department, and with Dennis
12 Gilmore described above. In June of 2002, with its provisional application filed, BSI provided
13 under the terms of another confidentiality agreement its list of jurisdictions with parcel level data
14 available for acquisition at a reasonable price. BSI explained that the list was to be used only for
15 its own "parcel content acquisition and management services."

16 24. On March 1, 2004, BSI signed a Bilateral Disclosure Confidentiality Agreement
17 with First American Real Estate Solutions LP ("FARES"), a CoreLogic predecessor. On March
18 30, 2004 a meeting was held in FARES' offices in Austin, Texas. BSI explained its business
19 model, including the integration of data into its NPDP, user access to the data either through
20 downloads or by access to a live server interfacing with an extended attribute server, displaying a
21 parcel boundary by entering its address, an ortho-image server and a flood/hazard zone polygon
22 server. BSI specifically explained its data normalization process.

23 25. On April 8, 2005, BSI met with Kevin Madden and James Rinn, representatives of
24 CoreLogic's predecessor, who became CoreLogic employees on its spin-off from First American.
25 During the general discussion, it was noted that "intellectual property as evidenced by the pending
26 patent application will be a key piece of any deal."

27 26. On May 20, 2005, BSI provided Kevin Madden with a demonstration of its system.
28 Shortly thereafter, on May 26, BSI was informed that senior officers in First American's flood

1 services business had approved of an investment in BSI. Also, shortly after the demonstration, Mr.
2 Madden provided detailed notes of the project, explaining that BSI had key differentiators that
3 made its pending patent application a strategic piece wherein CoreLogic could “have the ability to
4 locate exact address sites and prevent other from using the same technology.” The “opportunity to
5 provide a better mousetrap” would provide superior service in calculating exact distance to
6 hazards, exact distance to utilities and exact location on maps. Finally, according to Mr. Madden,
7 the “use of this information would provide advantages over competition in the form of higher
8 automation rates and a lower overall cost structure.” Discussions continued through early July on
9 a business plan for the cooperative venture.

10 27. In April, 2006, First American renewed discussion beginning with an in-person
11 meeting among Kevin Madden, another First American representative, Dennis Klein and
12 Lawrence Edelman, BSI’s patent counsel. The patent application was discussed once again and
13 First American confirmed that they were following its progress.

14 28. On June 16, 2006, BSI advised Mr. Madden on the issuance of a notice of
15 allowance in the pending application proceeding, with a link to the text of the allowed claims on
16 Boundary Solutions public website, www.boundarysolutions.com.

17 29. In June and July of 2006, the parties agreed to a parcel evaluation by First
18 American of selected counties of BSI data. Participating in the test along with Mr. Madden were
19 Brett Percy, Glenn Kronschnabl, James Rinn and Scott Little. CoreLogic was provided extensive
20 information regarding BSI’s collection of data from counties across the country and normalization
21 of that data for inclusion in a multi-jurisdictional database.

22 30. On August 1, 2006, First American informed BSI that it would not enter a business
23 relationship, invest in or purchase the company.

24 31. On December 5, 2006, First American filed the first of a series of copycat patent
25 applications listing Brett Percy, Scott Little and others as the inventors. Claim 1 of the
26 application broadly claimed the NPDP method of normalizing data from multiple county
27 jurisdictions to create a parcel database.

28 32. Despite knowledge of BSI’s website and the operation of its parcel data acquisition

1 and processing systems and methods, on information and belief, CoreLogic kept its prosecution
2 attorneys in the dark. No disclosure of the BSI prior art system was disclosed to the USPTO in any
3 of the several prosecutions of the copycat applications. No disclosure was made of the detailed
4 disclosures of its parcel data acquisition and processing methods Boundary Solutions provides on
5 its website despite their materiality to the patentability of at least claim 1 of the Percy
6 applications. The duty of disclosure applies regardless of the source of the information or manner
7 in which it is obtained. Information from co-workers, trade shows, communications from or with
8 competitors, potential infringers or other third parties, if material, must be disclosed. MPEP[R-
9 08.2012], §2001.06; 37 C.F.R. §1.56. Ultimately, in 2014, a claim identical to the original claim 1
10 in the Percy Provisional was rejected as anticipated by the Klein 2003 published application.

11 33. The claims of the patents-in-suit are all encompassed within the information
12 provided to CoreLogic that contributed to its interest in and excitement with either acquiring the
13 invention and applications or, alternatively, acquiring more information from BSI under the
14 parties' mutual non-disclosure agreements for its own purposes. Had CoreLogic had any questions
15 about the scope of the patent that would ultimately issue, it could have answered those questions
16 by searching for the actual patents, which issued only shortly after CoreLogic began developing
17 the accused products and services and before the first distribution of many of those products and
18 services. The USPTO makes it particularly easy to locate the status of pending continuation
19 patents through its Continuity Tab displayed for each patent searched in its Public Pair system.

20 34. On information and belief, the same employees who attended the BSI's
21 demonstrations and were aware of the patent applications and other information provided in
22 confidence participated in the development of the accused products and services. The NPDP that
23 BSI disclosed and demonstrated to CoreLogic's predecessor has many similarities with the
24 accused products and services. CoreLogic knew of the value of an invention, of BSI's intention to
25 protect it with multiple patents, and of the similarity between the products so disclosed and the
26 allegedly infringing products and services. By copying the invention, it cannot shelter itself from
27 liability merely by avoiding confirmation of what it, in essence, already knew.

COUNT I**(Defendant's Patent Infringement)**

35. Plaintiff incorporates by reference the allegations of paragraphs 1 through 34 above.

36. BSI is the owner of the Patents-in-Suit.

37. Defendant has infringed and is still infringing the Patents-in-Suit, by, without authority, consent, right or license, and in direct infringement of the patents, making, using, offering for sale and/or selling the aforementioned parcel mapping products using the methods claimed in the Patents-in-Suit in this country. This conduct constitutes infringement under 35 U.S.C. § 271(a).

38. In addition, Defendant has infringed and is still infringing the Patents-in-Suit in this country, through, inter alia, its active inducement of others to make, use, and/or sell the products and methods claimed in one or more claims of the patent. This conduct constitutes infringement under 35 U.S.C. § 271(b).

39. In addition, Defendant has infringed and is still infringing the 'Patents-in-Suit in this country through, inter alia, providing and selling goods and services including products designed for use in practicing one or more claims of the Patents-in-Suit, where the goods and services constitute a material part of the invention and are not staple articles of commerce, and which have no use other than infringing one or more claims of the Patents-in-Suit. Defendant has committed these acts with knowledge that the goods and services it provides are specially made for use in a manner that directly infringes the Patents-in-Suit. This conduct constitutes infringement under 35 U.S.C. § 271(c).

40. Defendant's infringing conduct is unlawful and willful. Defendant's willful conduct makes this an exceptional case as provided in 35 U.S.C. § 285.

41. As a result of Defendant's infringement, Plaintiff has been damaged, and will continue to be damaged, until they are enjoined from further acts of infringement.

42. Defendant will continue to infringe the Patents-in-Suit unless enjoined by this Court. Plaintiff faces real, substantial and irreparable damage and injury of a continuing nature

1 from Defendant's infringement for which Plaintiff has no adequate remedy at law.

2 **PRAYER FOR RELIEF**

3 Wherefore, Plaintiff prays for entry of judgment:

4 A. declaring that Defendant has infringed one or more claims, specifically including
5 claim 1, of each of the Patents-in-Suit;

6 B. that Defendant be permanently enjoined from further infringement, including
7 contributory infringement and/or inducing infringement, of the Patents-in-Suit, or in the
8 alternative awarding a royalty for post-judgment infringement;

9 C. that Defendant account for and pay to Plaintiff all damages caused by its
10 infringement of the Patents-in-Suit, which by statute can be no less than a reasonable royalty;

11 D. that Plaintiff be granted pre-judgment and post-judgment interest on the damages
12 caused to it by reason of Defendants infringement of the Patents-in-Suit;

13 E. that Defendant's infringement of the Patents-in-Suit be adjudged willful and that
14 the damages to Plaintiff be increased by three times the amount found or assessed pursuant to 35
15 U.S.C. § 284;

16 F. that this be adjudged an exceptional case and that Plaintiff be awarded its attorney's
17 fees in this action pursuant to 35 U.S.C. § 285;

18 G. that costs be awarded to Plaintiff; and

19 H. that Plaintiff be granted such other and further relief as the Court may deem just
20 and proper under the current circumstances.

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff, by its undersigned attorneys, demands a trial by jury on all issues so triable.

23
24 Dated: October 13, 2014

Respectfully submitted,

25
26 By: /s/ Bruce J. Wecker
BRUCE J. WECKER (SBN 78530)

27
28 Bruce J. Wecker (SBN 78530)
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