

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NORTHBROOK DIGITAL LLC,)	
a Minnesota limited liability company)	
)	
Plaintiff,)	Civil Action No. _____
)	
v.)	COMPLAINT
)	
CLARIA CORPORATION,)	(Jury Trial Demanded)
a Delaware corporation)	
)	
Defendant.)	
_____)	

Plaintiff Northbrook Digital LLC ("Northbrook Digital") states and alleges as follows:

THE PARTIES

1. Plaintiff Northbrook Digital LLC, a limited liability company, is organized under the laws of the State of Minnesota, and has principal place of business at 1076 Tamberwood Court, Woodbury, Minnesota, 55125.

2. Upon information and belief, defendant Claria Corporation ("Claria") is a Delaware corporation and has a principal place of business at 555 Broadway Street, Redwood City, California, 94063.

JURISDICTION AND VENUE

3. This is a case for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§271 and 282-285. This Court has jurisdiction under 28 U.S.C. §§1331 and 1338(a).

4. The Court has personal jurisdiction over Claria and, pursuant to 28 U.S.C. §1391(b) and (c) and 28 U.S.C. §1400(b), venue is proper in this judicial district because Claria does business in this district, by, among other things, distributing software for the delivery of advertisements ("adware") to computers located in this judicial district and communicating with and/or serving advertisements to computers located in this judicial district.

BACKGROUND FACTS

5. On January 22, 2002, United States Patent No. 6,341,305 (hereinafter "the '305 patent") entitled SYSTEM AND METHOD FOR COMMUNICATING INFORMATION RELATING TO A NETWORK RESOURCE was duly and legally issued to Mark A Wolfe. A copy of the '305 patent is attached hereto as Exhibit A.

6. On May 9, 2006, United States Patent No. 7,043,526 (hereinafter "the '526 patent") entitled SYSTEM AND METHOD FOR COMMUNICATING INFORMATION RELATING TO A NETWORK RESOURCE was duly and legally issued to Mark A Wolfe. A copy of the '526 patent is attached hereto as Exhibit B.

7. Mr. Wolfe, who is the principal of Northbrook Digital, has assigned the entire right, title and interest in the '305 patent and '526 patent to Northbrook Digital.

8. In or about May 2005, Mr. Wolfe sent a letter to Claria enclosing copies of various United States patents owned by Northbrook Digital, including the '305 patent ("the Northbrook Digital patents").

9. On or about September 15, 2005, Carl Durham, then Associate General Counsel of Claria, left a voice mail message for Mr. Wolfe, characterizing the

Northbrook Digital patents as "quite interesting," and stating that various technical people at Claria would like to discuss the Northbrook Digital patents with Mr. Wolfe.

10. On or about September 19, 2005, Mr. Wolfe returned Mr. Durham's call, and Mr. Durham stated that someone at Claria, such as Tony Martin, might contact Mr. Wolfe to discuss the Northbrook Digital patents.

11. On or about January 4, 2006, Mr. Wolfe called Mr. Durham again, and Mr. Durham stated that the Northbrook Digital patents would "really help out" Claria's patent portfolio. Mr. Durham also stated that Claria was interested in acquiring the Northbrook Digital patents and had conceived "an internal number" as a price for acquiring the Northbrook Digital patents.

12. Since then, Northbrook Digital has provided Claria with copies of pending patent application claims. One set of application claims has recently matured into the claims of the '526 patent.

13. Claria has, without license or authority from Northbrook Digital, manufactured, offered to sell, sold, used or caused others to offer to sell, sell, or use one or more products that fall within the scope of the claims of the '305 patent and the '526 patent, including but not limited to, through the operation of the GAIN Network, the operation of Claria's adware servers and the distribution and communication with its GAIN supported software products ("the accused products").

COUNT I

INFRINGEMENT OF U.S. PAT. NO. 6,341,305

14. The foregoing paragraphs are incorporated herein by reference, as if repeated.

15. Claria has infringed, contributed to the infringement of and/or induced the infringement of the '305 patent by, without license or authority from Northbrook Digital, manufacturing, offering to sell, selling, using or causing others to offer to sell, sell, or use the accused products.

16. The accused products infringe the '305 patent.

17. Claria has actively induced and is actively inducing infringement of the '305 patent.

18. Claria has offered to distribute and has distributed within the United States the accused products knowing the same to be especially made or adapted for use in an infringement of the '305 patent. The accused products are not staple articles or commodities of commerce suitable for a substantial non-infringing use, and thus, Claria has contributed to and is contributing to the infringement of the '305 patent.

19. Claria's infringement of the '305 patent has been willful.

20. Northbrook Digital has been damaged by Claria's willful infringement, inducement of infringement, and contributory infringement of the '305 patent and will continue to be damaged in the future unless Claria is preliminarily and permanently enjoined from infringing, inducing infringement of, and contributing to the infringement of the '305 patent.

21. Northbrook Digital's damages include, but are not necessarily limited to, a reasonable royalty for the infringement of the '305 patent.

COUNT II

INFRINGEMENT OF U.S. PAT. NO. 7,043,526

22. The foregoing paragraphs are incorporated herein by reference, as if repeated.

23. Claria has infringed, contributed to the infringement of and/or induced the infringement of the '526 patent by, without license or authority from Northbrook Digital, manufacturing, offering to sell, selling, using or causing others to offer to sell, sell, or use the accused products.

24. The accused products infringe the '526 patent.

25. Claria has actively induced and is actively inducing infringement of the '526 patent.

26. Claria has offered to distribute and has distributed within the United States the accused products knowing the same to be especially made or adapted for use in an infringement of the '526 patent. The accused products are not staple articles or commodities of commerce suitable for a substantial non-infringing use, and thus, Claria has contributed to and is contributing to the infringement of the '526 patent.

27. Claria's infringement of the '526 patent has been willful.

28. Northbrook Digital has been damaged by Claria's willful infringement, inducement of infringement, and contributory infringement of the '526 patent and will continue to be damaged in the future unless Claria is preliminarily and permanently enjoined from infringing, inducing infringement of, and contributing to the infringement of the '526 patent.

29. Northbrook Digital's damages include, but are not necessarily limited to, a reasonable royalty for the infringement of the '526 patent.

PRAYER FOR RELIEF

WHEREFORE, Northbrook Digital prays for the following relief:

- A. A judgment that Claria has infringed the '305 and '526 patents;
- B. Preliminary and permanent injunctions enjoining and restraining Claria, its officers, directors, agents, servants, employees, attorneys and all others in active concert or participation with them from directly infringing or inducing or contributing to the infringement of the '305 and '526 patents;
- C. A judgment and order requiring Claria to pay damages under 35 U.S.C. §284, with interest and costs and disbursements;
- D. A judgment decreeing this case exceptional pursuant to 35 U.S.C. §285, and an award of attorney's fees to Northbrook Digital in pursuing this action;
- E. Such other and further relief as this Court may deem just and equitable.

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DEMAND FOR JURY TRIAL

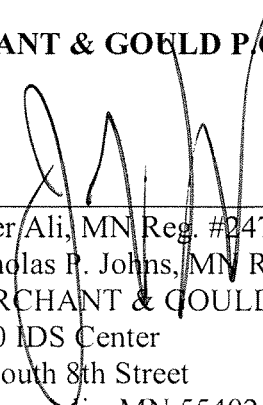
Northbrook Digital demands a trial by jury of all issues so triable.

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 5-9-06

By: _____


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