

GROUPON STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

AUTUMN CLOUD LLC,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Case No.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Autumn Cloud LLC (“Plaintiff” or “Autumn Cloud”) demands a jury trial and complains against Defendant Groupon, Inc. (“Groupon”), and states as follows:

**THE PARTIES**

1. Autumn Cloud is a corporation organized and existing under the laws of the State of Texas, conducting business in this judicial district.

2. On information and belief, Groupon is a Delaware corporation with its headquarters located at 233 S. Wacker Drive, Chicago, Illinois 60606, and conducts business in this judicial district.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the Groupon States of America, Title 35 of the Groupon States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Autumn Cloud is informed and believes, and based thereon alleges, that Groupon is doing business and committing acts of infringement of the patent identified below in this judicial district, and is subject to personal jurisdiction in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

### **THE PATENT**

6. On October 20, 2009, U.S. Patent No. 7,606,843 (“the ’843 Patent”) and August 07, 2012, U.S. Patent No. 8,239,347 (“the ’347 Patent”) were duly and legally issued to Vigilos, Inc., naming Bruce Alexander and David Antal as the inventors. The ’843 Patent and the ’347 Patent claim inventions entitled “System and Method for Customizing the Storage and Management of Device Data in a Networked Environment”. On March 28, 2014 Vigilos assigned all rights, title and interest in and to the ’843 Patent and the ’347 Patent to Olivistar LLC. On June 23, 2016, Olivistar assigned all rights, title and interest in and to the ’843 Patent and the ’347 Patent to Autumn Cloud LLC. Copies of the ’843 Patent and the ’347 Patent are attached to this Complaint as Exhibit 1 and Exhibit 2, respectively.

7. The ’843 Patent and the ’347 Patent are directed to novel systems and methods for customizing the storage and archival of device data according to device data attributes. The method may be implemented in a system including monitoring devices generating monitoring device data, an archive server processing the archival of monitoring device data and a client computer configuring the archival of monitoring device data using a graphical user interface. For example, a Groupon user can use a monitoring device, e.g., a mobile device onto which the Groupon App has been downloaded, to generate data archive profiles pertaining to the user’s data and the user’s device, which data is processed by a Groupon server and stored on a Groupon database.

8. Claim 1 of the ’843 Patent is directed to a method for selectively archiving monitoring device data based on an archival profile, which method is implemented in a system

including monitoring devices, an archive server processing the archival of monitoring device data and a client computer, the method comprising: obtaining incoming monitoring device data characterized by one or more archival attributes; obtaining an archival profile for selectively archiving the incoming monitoring device data; determining whether the archival profile is associated with one or more archival attributes of the monitoring device data; and if the archival profile is so associated, processing the incoming monitoring device data having one or more archival attributes that match the archived profile into a compressed format and selectively storing the compressed monitoring data on a storage medium; wherein the archival attribute from which the archival profile selectively stores incoming monitoring device data is one selected from the group of file type, monitoring device identifier, and monitoring device type that collected the incoming monitoring device data.

**9.** Claim 2 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that the archival profile corresponds to a user archival attribute.

**10.** Claim 3 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that the archival profile corresponds to an event archival attribute.

**11.** Claim 4 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that the monitoring device data includes device state information and device information and wherein processing the incoming monitoring device data includes processing the device state information according to a device state portion of the archival profile and processing the device information according to a device information portion of the archival profile.

**12.** Claim 5 of the '843 Patent is directed to the same method as Claim 4 with the added requirement that the device state information can include data selected from a group

consisting of a status of a monitoring device, a time of day, value for one or more sensors associated with the monitoring device, a premises identifier, and a user identifier.

**13.** Claim 6 of the '843 Patent is directed to the same method as Claim 4 with the added requirement that the device information includes video data.

**14.** Claim 7 of the '843 Patent is directed to the same method as Claim 4 with the added requirement that the device information includes audio data.

**15.** Claim 8 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that processing the incoming monitoring device data includes filtering the incoming monitoring device data.

**16.** Claim 9 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that processing the incoming monitoring device data includes normalizing the incoming monitoring device data.

**17.** Claim 10 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that processing the incoming monitoring device data includes converting the incoming monitoring device data into one-dimensional XML format.

**18.** Claim 11 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that processing the incoming monitoring device data includes transforming the incoming monitoring device data.

**19.** Claim 12 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that the system includes multiple data repositories and wherein processing the incoming monitoring device data includes archiving the incoming monitoring device data in a plurality of separate data repositories.

**20.** Claim 13 of the '843 Patent is directed to the same method as Claim 1 with the added requirement that processing the incoming monitoring device data includes selectively replicating at least a portion of the incoming monitoring device data between separate data repositories.

**21.** Claim 14 of the '843 Patent is directed to the same method as Claim 13 with the added requirement that the system includes multiple data repositories and wherein processing the incoming monitoring device data includes selectively replicating at least a portion of the incoming monitoring device data in at least two data repositories.

**22.** Claim 15 of the '843 Patent is directed to the same method as Claim 1 with the added requirement of updating an archival profile log corresponding to the selective processing and storage of the incoming monitoring device data.

**23.** Claim 16 of the '843 Patent is directed to the same method as Claim 1 with the added requirements of: obtaining a request for retrieval of archived data; obtaining an archival profile corresponding to the archived data; processing the archival profile to retrieve archived data from a repository; and returning the archived data to the data request.

**24.** Claim 17 of the '843 Patent is directed to the same method as Claim 16 with the added requirement that processing the archival profile to retrieve archived data from a repository includes obtaining archival retrieval parameters and determining whether the archival request satisfies the archival retrieval parameters.

**25.** Claim 18 of the '843 Patent is directed to the same method as Claim 16 with the added requirement of processing the retrieved archived data prior to returning the data according to the request.

**26.** Claim 19 of the '843 Patent is directed to the same method as Claim 18 with the added requirement that processing the retrieved archived data includes decompressing the archived data.

**27.** Claim 20 of the '843 Patent is directed to the same method as Claim 18 with the added requirement that processing the retrieved archived data includes transforming the archived data.

**28.** Claim 21 of the '843 Patent is directed to the same method as Claim 16 with the added requirement that returning the archived data includes generating viewable display screens including the retrieved archived data.

**29.** Claim 22 of the '843 Patent is directed to the same method as Claim 21 with the added requirement that the viewable display screens include one or more static display screens.

**30.** Claim 23 of the '843 Patent is directed to the same method as Claim 21 with the added requirement that the viewable display screens include a stream of display screens.

**31.** Claim 24 of the '843 Patent is directed to the same method as Claim 16 with the added requirement of deleting the archived data from a data repository once the archived data has been returned.

**32.** Claim 25 of the '843 Patent is directed to the same method as Claim 1 with the added requirement of obtaining an archival component for each data repository, and managing the archived data within each repository according to the archival profile.

**33.** Claim 26 of the '843 Patent is directed to the same method as Claim 25 with the added requirement that managing the archived data within each repository includes deleting a portion of the archived data on a per time basis.

**34.** Claim 27 of the '843 Patent is directed to the same method as Claim 26 with the added requirement that the archived data is video frame data and wherein deleting a portion of the data on a per time basis includes deleting a number of frames of the archived data over a period of time.

**35.** Claim 28 of the '843 Patent is directed to the same method as Claim 25 with the added requirement that managing archived data includes purging archived data from each data repository.

**36.** Claim 29 of the '843 Patent is directed to computer-readable medium having computer-executable instructions for selectively archiving monitoring device data based on an archival profile, the instructions performing a method of: obtaining incoming monitoring device data characterized by one or more archival attributes; obtaining an archival profile for selectively archiving the incoming monitoring device data; determining whether the archival profile is associated with one or more archival attributes of the incoming monitoring device data; if the archival profile is associated with one or more archival attributes, processing the incoming monitoring device data having one or more archival attributes that match the archived profile into a compressed format, and selectively storing the incoming monitoring device data in the compressed format on a storage medium; wherein the archival attribute from which the archival profile selectively stores incoming monitoring device data is one selected from the group of file type, monitoring device identifier, and monitoring device type that collected the incoming monitoring device data.

**37.** Claim 30 of the '843 Patent is directed to a computer system including a processor, a memory and an operating environment, the computer system operable to perform the method recited in Claim 29.

**38.** Claim 31 of the '843 Patent is directed to a method for generating an archival profile implemented in a system including monitoring devices generating monitoring device data, an archive server processing the archival of monitoring device data, and a client computer. the method comprising: generating a display corresponding to the creation of an archival profile; obtaining a user specification of at least one archival attribute for selectively archiving incoming monitoring device data; storing an archival profile that corresponds to the user specification of the at least one archival attribute; obtaining incoming monitoring device data characterized by one or more archival attributes; obtaining the archival profile representing the user specification for selectively archiving the incoming monitoring device data; determining whether the archival profile is associated with one or more archival attributes of the incoming monitoring device data; and if the archival profile is so associated, processing the incoming monitoring device data having one or more archival attributes that match the archival profile into a compressed format according to the archival profile, and selectively storing the incoming monitoring device data in a compressed format on a storage medium.

**39.** Claim 32 of the '843 Patent is directed to the same method as Claim 31 with the added requirement that the display includes a display of available monitoring device archival attributes to be included in the archival profile.

**40.** Claim 33 of the '843 Patent is directed to the same method as Claim 31 with the added requirement of obtaining security authorization prior to obtaining a user specification of the at least one archival attribute to be included in the archival profile.

**41.** Claim 34 of the '843 Patent is directed to the same method as Claim 31 with the added requirement that the display includes a display of time relation archival attributes.



**42.** Claim 35 of the '843 Patent is directed to the same method as Claim 31 with the added requirement that the display includes a display of conditional attributes to be included in the archival profile, wherein the conditional attribute must be satisfied to archive data.

**43.** Claim 36 of the '843 Patent is directed to the same method as Claim 31 with the added requirement that the display includes a display of conditional attributes to be included in the archival profile, wherein the conditional attribute must be satisfied to archive data.

**44.** Claim 37 of the '843 Patent is directed to the same method as Claim 31 with the added requirement of verifying repository availability prior to storing the archival profile.

**45.** Claim 38 of the '843 Patent is directed to the same method as Claim 31 with the added requirement that the monitoring device data includes device state information and device information and the display includes a selection of device state information archival attributes to be included in the archival profile.

**46.** Claim 39 of the '843 Patent is directed to the same method as Claim 38 with the added requirement that the device state information includes data selected from a group consisting of a status of a monitoring device, a time of day, value for one or more sensors associated with the monitoring device, a premises identifier, and a user identifier.

**47.** Claim 40 of the '843 Patent is directed to the same method as Claim 38 with the added requirement that monitoring device data includes device information and wherein the display includes a selection of device information to be included in the archival profile.

**48.** Claim 41 of the '843 Patent is directed to the same method as Claim 40 with the added requirement that the device information includes video images.

**49.** Claim 42 of the '843 Patent is directed to the same method as Claim 38 with the added requirement that the system includes multiple data repositories and wherein the user

specification includes archiving the incoming monitoring device data in a number of data repositories.

**50.** Claim 43 of the '843 Patent is directed to the same method as Claim 38 with the added requirement that the user specification includes selectively replicating at least a portion of the incoming monitoring device data.

**51.** Claim 44 of the '843 Patent is directed to the same method as Claim 43 with the added requirement of multiple data repositories and wherein the user specification includes selectively replicating at least a portion of the incoming monitoring device data in at least two data repositories.

**52.** Claim 45 of the '843 Patent is directed to the same method as Claim 31 with the added requirement of displaying a number of archival retrieval parameters and obtaining at least one archival retrieval parameter to be included in the archival profile.

**53.** Claim 46 of the '843 Patent is directed to the same method as Claim 31 with the added requirement of displaying a number of archival management parameters and obtaining at least one archival management parameter to be included in the archival profile.

**54.** Claim 47 of the '843 Patent is directed to a computer-readable medium having computer-executable instructions for generating an archival profile, the instructions performing the method of: generating a display corresponding to the creation of an archival profile; obtaining a user specification of at least one archival attribute for selectively archiving incoming monitoring device data; storing an archival profile that corresponds to the user specification of the at least one archival attribute; obtaining incoming monitoring device data characterized by one or more archival attributes; obtaining the archival profile representing the user specification for selectively archiving the incoming monitoring device data; deter, determining whether the

archival profile is associated with one or more archival attributes of the incoming monitoring device data; and if the archival profile is associated with one or more archival attributes, processing the incoming monitoring device data having one or more archival attributes that match the archival profile into a compressed format according to the archival profile, and selectively storing the incoming monitoring device data in a compressed format on a storage medium.

**55.** Claim 48 of the '843 Patent is directed to a computer system including a processor, a memory and an operating environment, operable to perform the method recited in Claim 47.

**56.** Claim 1 of the '347 Patent is directed to system for processing monitoring device data comprising: one or more monitoring devices generating monitoring device data characterized by one or more data archival attributes; a monitoring device data processor for obtaining an archival profile corresponding to the one or more data archival attributes and for processing the monitoring device data according to the archival profile; at least one repository for storing the monitoring device data according to the archival profile; wherein the monitoring device data processor determines whether the archival profile is associated with one or more archival attributes of the monitoring device data; and wherein if the archival data is so associated, the monitoring device data processor processes the monitoring device data having the one or more archival attributes that match the archived profile into a compressed format and selectively stores the compressed monitoring device data on at least one data repository.

**57.** Claim 2 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the archival profile corresponds to a type of incoming monitoring device data archival attribute.

**58.** Claim 3 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the archival profile corresponds to a user archival attribute.

**59.** Claim 4 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the archival profile corresponds to an event archival attribute.

**60.** Claim 5 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the monitoring device data includes device state information and device information wherein the monitoring device data processor processes the device state information according to a device state portion of the archival profile and processes the device information according to a device information portion of the archival profile.

**61.** Claim 6 of the '347 Patent is directed to the same system as Claim 5 with the added requirement that the device state information includes data selected from a group consisting of a status of a monitoring device, a time of day, value for one or more sensors associated with the monitoring device, a premises identifier, and a user identifier.

**62.** Claim 7 of the '347 Patent is directed to the same system as Claim 5 with the added requirement that the device information can include both video and audio data.

**63.** Claim 8 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the monitoring device data processor processes the incoming monitoring device data, the processing performed including one selected from the group of normalizing, compressing, and transforming the incoming monitoring device data.

**64.** Claim 9 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the system comprises multiple data repositories and wherein the monitoring device data processor selectively replicates at least a portion of the incoming monitoring device data in at least two data repositories.

**65.** Claim 10 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the system comprises at least one client machine requesting archived data wherein the monitoring device data processor obtains an archival profile corresponding to the archived data, processes the archival profile to retrieve archived data from a repository, and returns the archived data according to the data request.

**66.** Claim 11 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the monitoring device data processor obtains archival retrieval parameters from the archival profile and determines whether the archival request satisfies the archival retrieval parameters.

**67.** Claim 12 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the monitoring device data processor uncompresses the archived data.

**68.** Claim 13 of the '347 Patent is directed to the same system as Claim 1 with the added requirement that the monitoring device data processor obtains an archival component for each data repository and manages the archived data within each repository according to the archival profile.

**69.** Claim 14 of the '347 Patent is directed to the same system as Claim 13 with the added requirement that the monitoring device data processor deletes a portion of the archived data on a per time basis.

**70.** Claim 15 of the '347 Patent is directed to the same system as Claim 13 with the added requirement that the archived data is video frame data and the monitoring device data processor deletes a number of frames of the archived data over a period of time.

**71.** Claim 16 of the '347 Patent is directed to the same system as Claim 13 with the added requirement that the monitoring device data processor purges archived data from each data repository

**72.** Claim 17 of the '347 Patent is directed to a computer-readable medium having computer-executable instructions for selectively archiving monitoring device data based on an archival profile, the instructions performing a method of: obtaining incoming monitoring device data characterized by one or more archival attributes; obtaining an archival profile for selectively archiving the incoming device data; determining whether the archival profile is associated with one or more archival attributes of the incoming monitoring device data; and if the archival profile is so associated, processing the incoming monitoring device data having one or more archival attributes that match the archived profile into a compressed format, and selectively storing the incoming monitoring device data in the compressed format on a storage medium.

**73.** Claim 18 of the '347 Patent is directed to the same computer-readable medium as Claim 17 with the added requirement that the monitoring device data includes device state information and wherein processing the incoming monitoring device data includes processing the device state information according to a device state portion of the archival profile.

**74.** Claim 19 of the '347 Patent is directed to the same computer-readable medium as Claim 18 with the added requirement that the device state information can include data selected from a group consisting of a status of a monitoring device, a time of day, value for one or more sensors associated with the monitoring device, a premises identifier, and a user identifier.

**75.** Claim 20 of the '347 Patent is directed to the same computer-readable medium as Claim 17 with the added requirements of: obtaining a request for retrieval of archived data; obtaining an archival profile corresponding to the archived data; and processing the archival

profile to retrieve archived data from a repository, and returning the archived data according to the data request.

### **GROUPON'S INFRINGING SYSTEM AND METHOD**

**76.** Without authority from Autumn Cloud, Groupon makes, uses (including by having its employees test), markets and sells or otherwise provides a system and method for customizing the storage and management of data according to data attributes in a networked environment. Specifically, Groupon provides a Groupon website interface and a downloadable Groupon App for mobile devices, for doing so. Using the Groupon website interface on a device such as a computer or downloading the Groupon App onto a mobile device, transforms and enables such hardware devices to operate as the claimed monitoring devices that generate monitoring device data. Without the Groupon website interface or the Groupon App, the computer or mobile devices cannot communicate, respectively, with the monitoring device data processor or the data repositories, and do not constitute or operate as part of the systems or methods claimed in the '843 Patent and the '347 Patent.

**77.** Groupon offers a mobile and online marketplace to “connect local commerce, increasing consumer buying power while driving more business to local merchants through price and discovery.” See <https://www.groupon.com/press/about-groupon>. The Groupon App is available for both Android and iOS devices. See [https://www.groupon.com/mobile?utm\\_source=gp&utm\\_medium=footer&utm\\_campaign=mlusers](https://www.groupon.com/mobile?utm_source=gp&utm_medium=footer&utm_campaign=mlusers).

**78.** Groupon “was launched in November 2008” and had revenue in 2014 of US \$3.2 billion dollars in 2014. See <https://en.wikipedia.org/wiki/Groupon>.

**79.** Groupon’s website provides instructions and support explaining how to use its website interface and the Groupon App. These instructions teach and suggest to use the Groupon

website interface and the Groupon App in a way that infringes Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent.

**COUNT I**  
**DIRECT INFRINGEMENT**

**80.** Autumn Cloud repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 79 above.

**81.** As a result of making, using (including having its employees internally test and use the Groupon website interface and the Groupon App, as alleged below), marketing, and providing the Groupon website interface and the Groupon App, respectively, Groupon has directly infringed Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent literally and/or under the doctrine of equivalents. As set forth *supra*, the Groupon website interface and the Groupon App are, respectively, specifically designed to perform each and every step set forth in Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent, and each use of the Groupon website interface and the Groupon App will, respectively, result in infringement of at least one claim of the '843 Patent and the '347 Patent.

**82.** Upon information and belief, Groupon directly infringed Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent when it internally tested the Groupon website interface and the Groupon App, respectively. Upon information and belief, Groupon employees and/or individuals under Groupon's control used the Groupon website interface and the Groupon App on a Groupon employee's monitoring device, e.g., mobile device, to test the operation of the website interface and of the App and their various functions, in the manner set forth in the '843 Patent and the '347 Patent and described in detail in paragraphs 7 through 79 above. Autumn Cloud therefore alleges that Groupon directly infringed the '843 Patent and the '347 Patent by



using the Groupon website interface and the Groupon App to perform the systems and methods claimed by the '843 Patent and the '347 Patent.

**83.** Upon information and belief, Groupon also directly infringed Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent when its employees use the Groupon website interface and the Groupon App, respectively, which are programmed to operate on a monitoring device, e.g., a mobile device. Upon information and belief, Groupon employees and/or individuals under Groupon's control used the Groupon website interface and the Groupon App, respectively, on a Groupon employee's monitoring device to use the functionality of the Groupon website interface App or the Groupon App, in the manner set forth in the '843 Patent and the '347 Patent and described in detail in paragraphs 7 through 79 above. Autumn Cloud therefore alleges that Groupon directly infringed the '843 Patent and the '347 Patent by using the Groupon website interface and the Groupon App, respectively, to perform the systems and methods claimed by the '843 Patent and the '347 Patent.

**84.** Since at least the date that this Complaint was filed, Groupon has willfully infringed '843 Patent and the '347 Patent by directly infringing the patents with knowledge of the patents and in spite of an objectively high likelihood that its actions constituted infringement of the '843 Patent and the '347 Patent.

**85.** Autumn Cloud has suffered damages as a result of Groupon's direct infringement of the '843 Patent and the '347 Patent.

**COUNT II**  
**INDIRECT INFRINGEMENT**

**86.** Autumn Cloud repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 85 above.

**87.** The Groupon website interface and the Groupon App are, respectively, particularly adapted for use in a manner that infringe Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent. Specifically, as alleged *supra*, the Groupon website interface and the Groupon App are, respectively, designed to facilitate the storage and management of data in a networked environment according to archival data attributes.

**88.** Groupon has been aware of the '843 Patent and the '347 Patent since at least the filing date of this Complaint, and upon information and belief was aware, or should have been aware, since at least such date that the use of the Groupon website interface or the Groupon App constitutes direct infringement of the '843 Patent and the '347 Patent.

**89.** In spite of its knowledge of the '843 Patent and the '347 Patent, Groupon has continued to offer the Groupon website interface and the Groupon App, respectively, to its users and has continued to instruct them on how to use the website interface and the App in a manner that infringes Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent, intending that its customers use the website interface and the App.

**90.** Upon information and belief, at least one of Groupon's customers has used the Groupon website interface and the Groupon App in a manner that infringes the '843 Patent and the '347 Patent since Groupon became aware of the '843 Patent and the '347 Patent.

**91.** Groupon indirectly infringes Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent by inducing others to use the Groupon website interface or the Groupon App, respectively, in a manner that directly infringes the asserted claims. Groupon provides the Groupon website interface and the Groupon App, respectively, to the public and encourages and instructs them on how to use them, including by encouraging and instructing the use of each of the features claimed by the '843 Patent and the '347 Patent. Due to Groupon's encouragement

and instruction, Groupon customers that use the Groupon website interface or the Groupon App directly infringe the '843 Patent and the '347 Patent by performing each element set forth in the '843 Patent and the '347 Patent and described in detail in paragraphs 7 through 79 above. Groupon has induced these infringing uses with full knowledge of the '843 Patent and the '347 Patent and with full knowledge that the use of the Groupon website interface or the Groupon App, respectively, as directed constitutes infringement of the '843 Patent and the '347 Patent.

**92.** Groupon indirectly infringes Claims 1-48 of the '843 Patent and Claims 1-20 of the '347 Patent by contributorily infringing the patents through its provision of the Groupon website interface and the Groupon App, respectively. Groupon customers that use the Groupon website interface or the Groupon App directly infringe the '843 Patent and the '347 Patent by performing each element set forth in the '843 Patent and the '347 Patent and described in detail in paragraphs 7 through 79 above. Since at least the filing date of this Complaint, Groupon has known that the use of the Groupon website interface or the Groupon App infringes the '843 Patent and the '347 Patent, that the combination of the Groupon website interface or the Groupon App as part of the systems and methods described herein was patented and infringed the '843 Patent and the '347 Patent, and that such combinations of components have no substantial non-infringing use.

**93.** Autumn Cloud has suffered damages as a result of Groupon's indirect infringement of the '843 Patent and the '347 Patent.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Autumn Cloud prays for judgment against Defendant Groupon on all the counts and for the following relief:

A. Declaration that Autumn Cloud is the owner of the right to sue and to recover for

infringement of the '843 Patent and the '347 Patent being asserted in this action;

- B. Declaration that Groupon has directly infringed, actively induced the infringement of, and/or contributorily infringed the '843 Patent and the '347 Patent;
- C. Declaration that Groupon and its customers are jointly or severally responsible for the damages from infringement of the '843 Patent and the '347 Patent through the use of the Groupon web interface and Groupon mobile app;
- D. Declaration that Groupon is responsible jointly or severally with its customers for the damages caused by the infringement of the '843 Patent and the '347 Patent through the use of the Groupon web interface and Groupon mobile app by Groupon's customers;
- E. An accounting for damages under 35 U.S.C. § 284 for infringement of the '843 Patent and the '347 Patent by Groupon, and the award of damages so ascertained to Autumn Cloud together with interest as provided by law;
- F. Award of Autumn Cloud's costs and expenses;
- G. Award of Autumn Cloud's attorney fees; and
- H. Such other and further relief as this Court may deem proper, just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff Autumn Cloud demands a trial by jury of all issues properly triable by jury in this action.

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Dated: August 2, 2016