

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

**SPIDER SEARCH ANALYTICS, LLC,**

**Plaintiff,**

**v.**

**CONNOTATE, INC.**

**Defendant.**

**Civil Action No.**

Jury Trial Demanded

**COMPLAINT**

Plaintiff Spider Search Analytics, LLC (“SSA”), by and through its attorneys, for its Complaint against Connotate, Inc., (herein, “Defendant” and/or “Connotate”) hereby alleges as follows:

**I. NATURE OF THE ACTION**

1. This is a patent infringement action to end Defendant’s direct, joint, contributory and/or induced infringement of Plaintiff SSA’s patented inventions, including but not limited to Defendant’s unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of Plaintiff’s inventions.

2. SSA holds all substantial rights and interest in and to United States Patent No. 7,454,430 (the “430 patent”), issued on November 18, 2008, entitled “System and Method for Facts Extraction and Domain Knowledge Repository Creation from Unstructured and Semi-Structured Documents.” A true and correct copy is appended hereto as **Attachment A**.

3. SSA holds all substantial rights and interest in and to United States Patent No. 8,620,848 (the “848 patent”), issued on December 31, 2013, entitled “System and Method for Facts Extraction and Domain Knowledge Repository Creation from Unstructured and Semi-

Structured Documents.” A true and correct copy is appended hereto as **Attachment B**. Together the ’430 and ’848 patents are the “Asserted Patents”.

4. Plaintiff SSA seeks to prevent Defendant from continuing infringement of Plaintiff’s patent rights. Plaintiff SSA further seeks monetary damages and prejudgment interest for Defendant’s past infringement of the Asserted Patents.

## **II. THE PARTIES**

5. Plaintiff SSA is a limited liability company organized and existing under the laws of the State of Texas, with its corporate office located at 6860 North Dallas Parkway, Suite 200, Plano, Texas 75024.

6. Upon information and belief, Defendant Connotate, Inc. is a Delaware corporation with its principal place of business located at 317 George Street, 3rd Floor, New Brunswick, NJ 08901. Pursuant to the State of Delaware’s Division of Corporations, Connotate’s registered agent for service of process is Corporation Service Company, 251 Little Falls Drive, Wilmington, 19808.

## **III. JURISDICTION AND VENUE**

7. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

8. This Court has personal jurisdiction over Defendant because it has committed acts giving rise to this action within Delaware and within this judicial district. The Court’s exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Defendant has established minimum contacts with the forum with respect to both general and specific jurisdiction. Upon information and belief, Defendant transacts substantial

business in the State of Delaware and this Judicial District. Further, Defendant has committed acts of infringement in this District, by among other things, infringing, contributing to and/or inducing the infringement of SSA's Asserted Patents knowing that the directly infringing devices and services are used and/or sold in the State of Delaware and this Judicial District as well as providing service and support to Defendant's customers in this District.

9. Venue in the District of Delaware is proper pursuant to 28 U.S.C. § 1400(b) as Defendant is a Delaware corporation.

#### **IV. BACKGROUND**

##### **SSA and the Asserted Patents**

10. Julia Komissarchik "Julia" and Edward Komissarchik "Edward" are the named inventors of the '430 and the '848 patents.

11. On June 13, 2005, United States Patent Application No. 11/152,689 (the "'689 application") was filed. The '689 application claimed, among other things, a system and method for extracting and structuring facts from unstructured and semi-structured websites.

12. Julia and Edward were listed as co-inventors of the '689 application.

13. On November 18, 2008, the PTO issued United States Patent No. 7,454,430, entitled "System and Method for Facts Extraction and Domain Knowledge Repository Creation from Unstructured and Semi-Structured Documents."

14. On March 13, 2013, United States Patent Application No. 13/802,369. (the "'369 application") was filed. The '369 application was a division of the previously-filed '689 application. The '369 application claimed, among other inventions, a system and method for extracting and structuring facts from unstructured and semi-structured websites.

15. On December 31, 2013, the PTO issued United States Patent No. 8,620,848 entitled “System and Method for Facts Extraction and Domain Knowledge Repository Creation from Unstructured and Semi-Structured Documents.”

16. The '430 patent claims, among other inventions, a system and method for extracting and structuring facts from unstructured and semi-structured websites. This is accomplished with scout crawling rules to collect dynamic pages, at which point an analyzer and extractor then determine the underlying structure of queries, which in turn generate instructions for a harvester, which provides requests to a server and collects available pages from the server. *See* '430 patent, 28:14.

17. The '848 patent claims, among other inventions, a method for extraction of important numbers and objects from pages, including pages that have both paragraphs and tables, from which the numbers can be extracted. *See* '848 patent, 28:13-16.

18. SSA holds all substantial rights in and to the Asserted Patents, including all rights to recover for all past and future infringements thereof.

### **Connotate's Acts of Infringement**

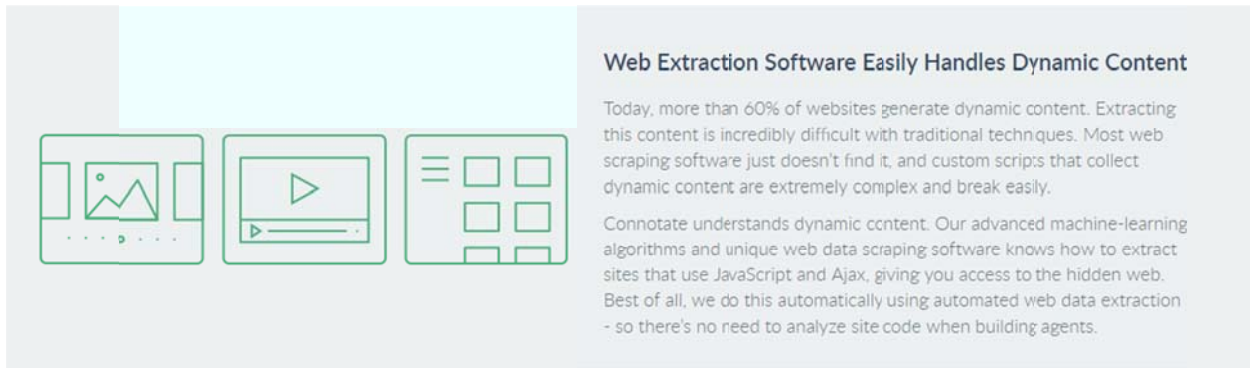
19. Upon information and belief, Connotate manufactures, provides, uses, sells, offers to sell, and/or distributes infringing systems and methods. Defendant's infringing systems include, but is not limited to its Connotate Platform available on its website connotate.com.

20. Defendant's products infringe the Asserted Patents at least by building web crawlers that are capable of crawling the deep web. Connotate's Platform utilizes scout crawling rules to collect dynamic pages, and builds Connotate's “agents,” which are trained to recognize information structures on web pages, such as what constitutes a heading, hyperlink, or sections and subsections on the page.

21. Connotate's website contains explanations of its web crawlers and descriptions of how it harvests dynamic content from web pages.



Source: <http://pages.connotate.com/using-web-crawlers-webdata-extraction.html>



Source: <http://www.connotate.com/platform/>

22. Connotate then generates code instructions, utilizing an analyzer and extractor, which determine the underlying structure of queries and extract the information from the web pages. Connotate's Platform then generates instructions for a harvester to provide requests to a server and collect available pages from the server, and the relevant data is then extracted from the pages and stored in a structured format. Connotate's Platform performs this extraction for both numbers and objects associated on web pages, which are often in the form of paragraphs and tables.

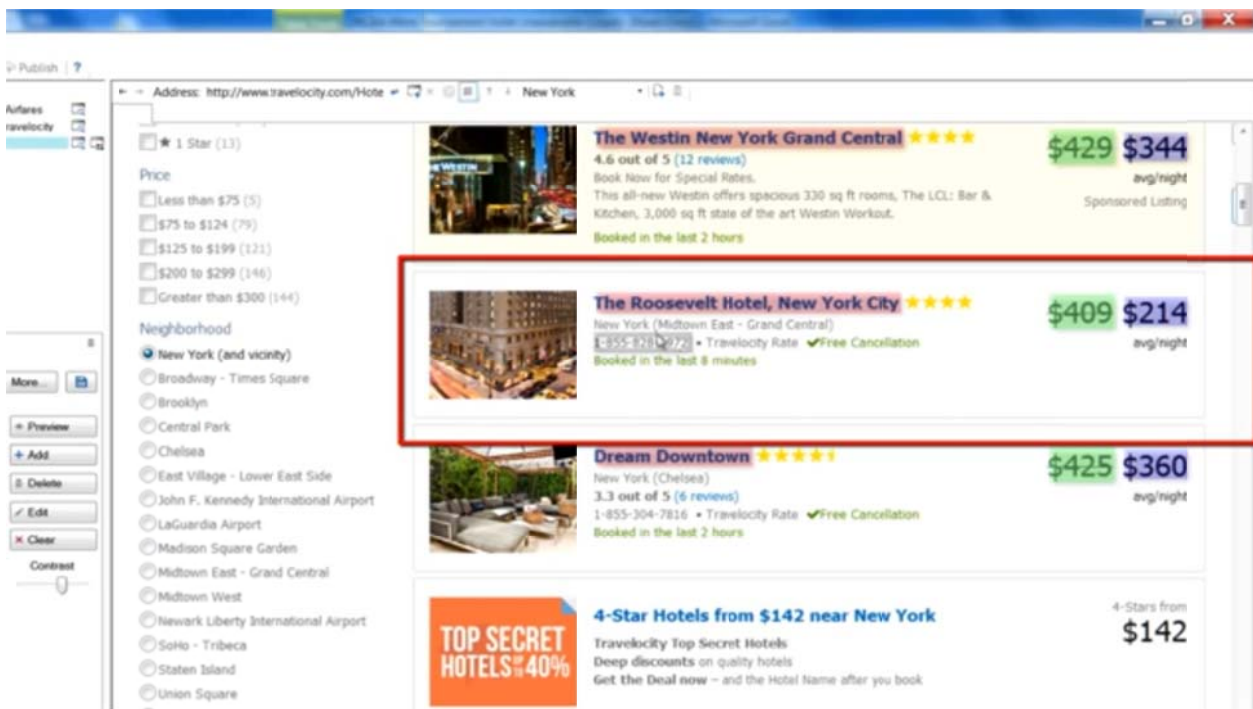
23. Connotate’s website explains how it transforms unstructured data into a structured format, as well as how its platform allows for the extraction of numbers and objects from tables.

### 3. Transform unstructured Web data into structured data

Data normalization and transformation are critical to using Web data. An automated Web data extraction and monitoring platform pushes past traditional web crawling approaches to deliver a more comprehensive solution. At Connotate, our platform seamlessly transforms the Web’s unstructured data into structured data and a more strategic, valuable business asset.

Transforming Web data into a standard format you can easily use in your workflow can be arduous and costly if using traditional web crawlers. And, chances are, you’re limiting your ability to achieve Number 2.

Source: <http://www.connotate.com/4-strategies-everyone-web-crawling-industry-using/>



Source: <http://www.connotate.com/resources/tutorials/>

24. SSA has been and will suffer damages as a result of Defendant’s infringing acts unless and until enjoined.

### **Direct and Joint Infringement**

25. SSA restates and realleges each of the allegations set forth above and incorporates them herein.

26. Upon information and belief, Connotate sells infringing products in this jurisdiction and elsewhere. Connotate manufactures, uses, distributes, offers to sell, and/or sells products within the Connotate Platform, including its Web Crawlers and Web Data Extractors. Upon information and belief, Connotate incorporates within Connotate's Platform software and products that infringe the Asserted Patents. Connotate's manufacture, use, distribution, offer to sell, and/or sale of Connotate's Platform in the State of Delaware within the judicial district, and elsewhere in the United States, without Plaintiff's authority, directly infringes the Asserted Patents.

27. Upon information and belief, Connotate's employees use Connotate's products and/or systems to extract data from web sites in a manner that directly infringe the Asserted Patents.

28. Specifically, Connotate offers to and does build, manage and host the day-to-day monitoring and extraction operations for its customers.

### **Managed Data Service**

For customers who don't have the hardware or personnel to implement world-class web harvesting on premises, Connotate offers complete managed data services. We can build, manage and host your day-to-day monitoring and extraction operations, ranging from data discovery and agent building through to QA and data delivery.

Source: <http://www.connotate.com/web-data-extractor-platform/deployment-options/>

29. Upon information and belief, Connotate contracts with customers and/or end users and provides infringing software to them in this jurisdiction and elsewhere to create, make and provide infringing products. Upon information and belief, Connotate enters agreements with customers and/or end users and others concerning the operation, use and creation of infringing products within this jurisdiction and elsewhere. All elements of at least claims 1 through 27 of the '430 patent and claims 1 through 7 of the '848 patent are found on Connotate's Platform and are performed by Connotate's employees when using Connotate's Platform to extract web data. For example, Connotate's Platform receives customer data allowing the Platform to build web crawlers that are capable of crawling the deep web to the customer's specifications. Connotate's Platform utilizes scout crawling rules to collect dynamic pages, and builds Connotate's "agents," which are trained to recognize information structures on web pages, such as what constitutes a heading, hyperlink, or sections and subsections on the page. Connotate then generates code instructions that determine the underlying structure of queries and extract the information from the web pages. Connotate then generates instructions for a harvester to provide requests to a server and collect available pages from the server, and the relevant data is then extracted from the pages and stored in a structured format. Connotate's Platform does this for both numbers and objects associated on web pages, which are often in the form of paragraphs and tables.

30. Upon information and belief, Connotate provides a downloader that provides infringing software including updates to customers to result in infringement of the patents. Connotate issues computerized instructions to direct or control users and infringing devices to conduct acts of infringement. Through its software on Connotate's servers and embedded on users' infringing devices, as well as its contractual relationships with users, Connotate directs and controls infringing devices to perform acts of infringement.



31. To the extent that some elements of a claim are performed by a different party than Connotate, Connotate – through its software and infringing products – participates in the infringement (as described above and herein) and receives a benefit upon performance of the steps of the patented method. For example, Connotate provides the software that establishes the manner and/or timing of the performance of the steps such as software that downloads other software, downloads a content file, establishes a communication link, or other actions that a user may request or result from user actions. Connotate receives a benefit from such actions by the customer as it allows it to provide a product that would be desired or allows customers to purchase services and products from Connotate. Connotate’s contracts with a user also create an agency relationship or governs infringing activity for purposes of joint infringement.

32. All of the above acts constitute acts of direct infringement.

**Induced and Contributory Infringement**

33. SSA restates and realleges each of the allegations set forth above and incorporates them herein.

34. Upon information and belief, Connotate has been and continues to indirectly infringe the Asserted Patents in the State of Delaware within this judicial district, and elsewhere in the United States, by, among other things, at least, without Plaintiff’s authority, inducing and/or contributing to third parties, including without limitation customers, resellers and/or end users of Connotate’s Platform (and other software), infringement of the claims of Plaintiff’s patents.

35. Specifically, Connotate allows its customers to use the Connotate Platform to create their own web extraction agents.

### **On-Premise Deployment**

For customers where web data is core to their business and they want the flexibility to create their own web extraction agents and manage the Connotate platform themselves, we offer an on-premise deployment option. In this configuration, Connotate resides behind your firewall and runs on your hardware. This is ideal if you want to build your own agents, integrate Connotate into your existing workflows, and constantly update and extend the web sources you are monitoring.

Connotate can be installed on your premises quickly, and we offer training sessions that teach your staff how to create new agents and maintain the Connotate platform. Our experience has shown that non-technical employees become proficient at creating new agents in one or two training sessions.

Source: <http://www.connotate.com/web-data-extractor-platform/deployment-options/>

36. Upon information and belief, the acts described in paragraphs 36 to 42 concerning the manufacture, use, offer for sale, sale, operation, distribution, and/or installation of Connotate's products and/or software and those described below also constitute acts of induced and contributory infringement. Customers and users use the infringing products and software to market, design, and control the Web Crawlers and Web Data Extractors.

37. To the extent that some elements of a claim are performed by a different party than Connotate, Connotate, through its software and infringing systems, puts the claimed system of the Asserted Patents into service as described herein and receives a benefit upon performance of steps of the methods of the Asserted Patent. To the extent multimedia is provided by third party servers or networks, Defendant's systems and/or Defendant's customers' systems put these third party systems into use. For example, Defendant provides software instructions downloaded by third parties, such as the Connotate Platform, that put into use the third parties' systems. Third parties put the systems into use by extracting web data based on Connotate's provided software and/or instructions in an infringing manner. Further, Defendant's software establishes the manner and/or timing of the performance of the steps of the Asserted Patents, such as

establishing the manner and/or timing of user's cataloguing of multimedia.

38. Connotate receives a benefit from such actions by the customer as it allows it to provide a product that would be desired or allows customers to purchase products and services from Connotate.

39. Upon information and belief, Connotate provides its customers and/or users of its products such as Web Crawlers and Web Data Extractors, instructions, materials, advertisements, services, encouragement, and software to use, load and/or operate the Connotate Platform in an infringing manner. Sending computerized instructions are acts of control by Defendant on the systems of third parties. Upon information and belief, Connotate further induces its customers and/or users of Connotate's Platform to use its products (and accompanying software) by providing subscriptions to Connotate's Platform and services. Further, Connotate has actively induced infringement by its customers and/or users of Connotate's products and software in this judicial district. Upon information and belief, Connotate knowingly and specifically designed Connotate's Platform in a manner that infringed the Asserted Patents. Connotate also provides support services for the Connotate Platform, including providing instructions, guides, online materials, and technical support that cause its customers to infringe the patents. Connotate's Platform has no substantial non-infringing use. Connotate has acted with specific intent to induce or cause infringement and to conduct acts of infringement as described herein within the jurisdiction and elsewhere. Connotate continues to provide instructions to load Connotate's Platform (and other software) since having notice and actual knowledge of the Asserted Patents.

40. Upon information and belief, Connotate has had knowledge of the Asserted Patents at least as of the service of this complaint. Notwithstanding, Connotate continues to

willfully and with specific intent infringe and cause others to infringe the Asserted Patents. Connotate provides, makes, sells, and offers to sell Connotate's systems with the specific intent that its customers, third parties, and/or end users use the Connotate systems in an infringing manner, and its customers, third parties, and/or end users do so. Upon information and belief, Connotate provides and instructs third parties to use the aforementioned products in the manner claimed in the Asserted Patents.

41. Upon information and belief, Connotate's Platform has no substantial non-infringing uses and is especially made and/or adapted so as to infringe the Asserted Patents. Connotate has acted with specific intent to induce or cause infringement and to conduct acts of infringement as described herein within this District and elsewhere. Connotate continues to contribute to the infringement of third parties even after having notice and actual knowledge of the Asserted Patents as previously described.

42. Upon information and belief, customers and users of Connotate's systems reside within this District and conduct acts of direct infringement within this District.

### **COUNT ONE**

#### **PATENT INFRINGEMENT—U.S. PATENT NO. 7,454,430**

43. SSA restates and realleges each of the allegations set forth above and incorporates them herein.

44. Defendant directly infringes the '430 patent by making, using, offering to sell, and selling products and software through Connotate's Platform in violation of 35 U.S.C. § 271(a).

45. Defendant indirectly infringes the '430 patent by inducing or contributing to the infringement of the '430 patent in violation of 35 U.S.C. § 271(b)-(c)&(f), including by its customers/consumers.

46. Defendant does not have a license or permission to use the claimed subject matter in the '430 patent.

47. As a direct and proximate result of Defendant's direct, induced, and/or contributory infringement of the '430 patent, SSA has been injured and has been caused significant financial damage.

48. Defendant's aforementioned acts have caused damage to SSA and will continue to do so unless and until enjoined.

49. SSA alleges upon information and belief that Defendant has, knowingly or with willful blindness, willfully infringed one or more claims of the '430 patent. Defendant had knowledge of the Accused Patents as alleged above, having been advised of the existence and substance of the Accused Patents by SSA. Defendant acted with knowledge of the Accused Patents and, despite its knowledge or despite that it should have known of an objectively high likelihood that its actions constituted infringement of SSA's valid patent rights, continues to infringe.

50. This objectively-defined risk was either known or so obvious that it should have been known to Defendant. SSA seeks enhanced damages pursuant to 35 U.S.C. § 284 from Defendant.

**COUNT TWO**

**PATENT INFRINGEMENT—U.S. PATENT NO. 8,620,848**

51. SSA restates and realleges each of the allegations set forth above and incorporates them herein

52. Defendant directly infringes the '848 patent by making, using, offering to sell, and selling products and software through Connotate's Platform in violation of 35 U.S.C. § 271(a).

53. Defendant indirectly infringes the '848 patent by inducing or contributing to the infringement of the '848 patent in violation of 35 U.S.C. § 271(b)-(c)&(f), including by its customers/consumers.

54. Defendant does not have a license or permission to use the claimed subject matter in the '848 patent.

55. As a direct and proximate result of Defendant's direct, induced, and/or contributory infringement of the '848 patent, SSA has been injured and has been caused significant financial damage.

56. Defendant's aforementioned acts have caused damage to SSA and will continue to do so unless and until enjoined.

57. SSA alleges upon information and belief that Defendant has, knowingly or with willful blindness, willfully infringed one or more claims of the '848 patent. Defendant had knowledge of the Accused Patents as alleged above, having been advised of the existence and substance of the Accused Patents by SSA. Defendant acted with knowledge of the Accused Patents and, despite its knowledge or despite that it should have known of an objectively high

likelihood that its actions constituted infringement of SSA's valid patent rights, continues to infringe.

58. This objectively-defined risk was either known or so obvious that it should have been known to Defendant. SSA seeks enhanced damages pursuant to 35 U.S.C. § 284 from Defendant.

**V. JURY DEMAND**

59. Plaintiff hereby demands a jury on all issues so triable.

**VI. REQUEST FOR RELIEF**

WHEREFORE, Plaintiff SSA respectfully requests that the Court:

- A. Enter judgment that Defendant directly, contributes to, or induces others to infringe one or more claims of the Accused Patents literally and/or under the doctrine of equivalents;
- B. Permanently enjoin Defendant, their agents, servants, and employees, and all those in privity with Defendant or in active concert and participation with Defendant, from engaging in acts of infringement of the Accused Patents;
- C. Award Plaintiff past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by Defendant of the Accused Patents in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;
- D. Award Plaintiff its costs, disbursements, attorneys' fees;

- E. Award Plaintiff prejudgment and post-judgment interest to the maximum extent provided under the law; and
- F. Award Plaintiff such further and additional relief as is deemed appropriate by this Court.

Dated: December 22, 2017

Respectfully submitted,

Of Counsel:

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