IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ERROL LLC,	)
	)
Plaintiff,	)
	) Civil Action No. _____
v.	)
	) **JURY TRIAL DEMANDED**
COVEO SOFTWARE CORP.,	)
	)
Defendant.	)
	)

COMPLAINT

For its Complaint, Errol LLC ("Errol"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Errol is a Texas limited liability company with a place of business located at 5068 West Plano Parkway, Suite 300, Plano, Texas 75093.

2. Defendant Coveo Software Corp. is a Delaware company with, upon information and belief, a place of business located at 620 Davis Street, San Francisco, California 94111.

3. By registering to conduct business in Delaware, Defendant has a permanent and continuous presence in Delaware.

JURISDICTION AND VENUE

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

6. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses

of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7. Venue is proper in this district pursuant to § 1400(b).

THE PATENTS-IN-SUIT

8. On November 19, 2002, U.S. Patent No. 6,484,166 (the "'166 patent"), entitled "Information Management, Retrieval and Display System and Associated Method," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '166 patent is attached hereto as Exhibit A.

9. On February 22, 2011, U.S. Patent No. RE42,167 (the "'167 patent"), entitled "Information Management, Retrieval and Display System and Associated Methods," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '167 patent is attached hereto as Exhibit B.

10. The '166 and '177 patents explain:

> An inherent drawback in many conventional search engines or search tools, such as Infoseek™, AltaVista™, Hotbot™, is that the results of the search are typically organized according to the number of hits that the search word or phrase made in each document (Web page) being searched. This type of search result display requires the end user to go through the hits one by one in order to finally access the document he/she was looking for. Another drawback with such conventional search engines is that the results of the search do not take into account that a word may have several different meanings, and may be used in many different contexts. For example, if an end user were looking for information on a cartoon mouse, because the search query would contain the word "mouse," the list of hits will include documents for the electronic cursor-control devices, documents providing biological information on mice, documents providing pet information on mice, etc. Therefore, the end user may have to go through an enormous number of these hits before finally (if ever) reaching a hit related to the cartoon mouse.
>
> Thus, there is a need for a search engine or search tool that allows the end user to that arranges the search results in a manner that allows the end user to effectively and quickly obtain items of interest.

Ex. A at col. 1, ll. 21-44; Ex. B at col. 1, ll. 19-42.

11. The '166 and '167 patent disclose and claim inventions that "will allow the end-user

to effectively and quickly obtain items of interest from the search results." Ex. A at col. 1, ll. 56-58, col. 5, ll. 57-59; Ex. B at col. 1, ll. 54-56, col. 5, ll. 54-56.

12. Included in the '166 and '167 patents is exemplary code. *See* Ex. A at Tables 1-2; Ex. B at Tables 1-2.

13. Errol is the assignee and owner of the right, title and interest in and to the '166 and '167 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,484,166

14. Errol repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 3 of the '166 patent by making, using, importing, offering for sale, and/or selling, systems and methods for retrieving information from an informational resource, including, but not limited to, Coveo Platform 7.0, because each and every element is met either literally or equivalently.

16. Upon information and belief, Defendant used the Coveo Platform 7.0 via its internal use and testing in the United States, directly infringing one or more claims of the '166 patent.

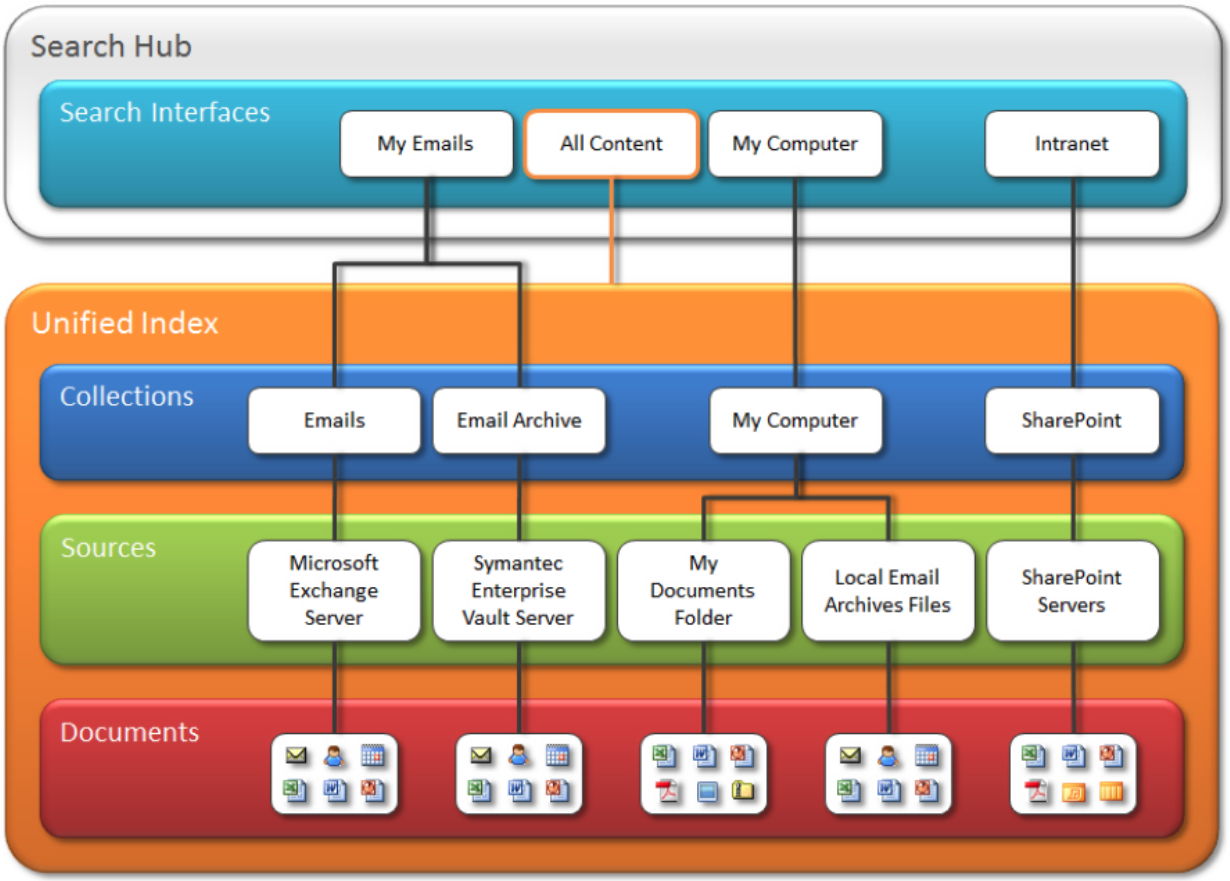
17. More specifically, the Coveo Platform 7.0 enables users to perform search and get the desired information (e.g., "retrieving information") from various repositories (e.g., "information resources"). The results are generated by crawling and searching within the database.

7.1 What Is the Coveo Platform?

The Coveo Platform is an information consolidation platform that provides quick, global, and secure access to structured and unstructured information available in a variety of systems and repositories throughout your organization.

At the back-end, the Coveo Enterprise Search (CES) service maintains a unified index of the continuously growing masses of data available within your organization so that you can seamlessly find the information that you are looking for.

Coveo Platform 7.0 User Guide ("User Guide") at p. 159 (available at http://download.coveo.com/onlinehelppdfs/CES70-UserGuide.pdf (last accessed June 14, 2018)).



Id. at p. 161.

Repository	A system containing documents. **Examples:** The hard disk of your computer, a network file system, a SharePoint Intranet, a Microsoft Exchange server, a Web content management system (WCMS) such as Sitecore.

Id. at p. 162.

Examples of repositories are:

- A folder on a network file server
- An email server (ex.: Microsoft Exchange)
- An intranet server (ex.: SharePoint server)
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- The hard disk of your computer

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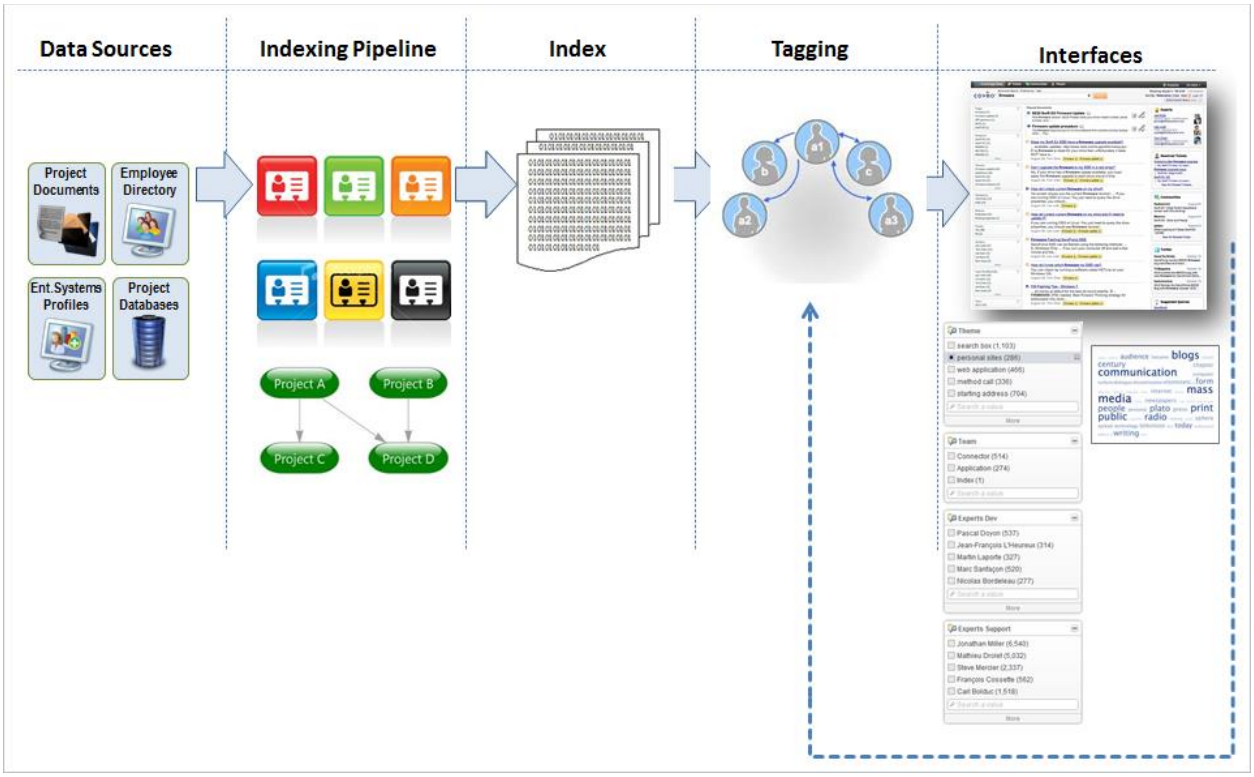

https://onlinehelp.coveo.com/en/ces/7.0/administrator/about_multi-channel_text_analytics.htm (last accessed June 14, 2018). Coveo Platform 7.0 supports classification of documents based on pre-defined rules. The document (e.g., "informational resource") from various information repositories is processed such as they are passed through the entity discovery plugin that extracts

data (i.e., named entities such as name of people, places, etc.) from it and categorizes the extracted content (e.g., "discrete finite elements") to various categories.

8.10.3.2 Named Entities

Named entities are unique text elements that can be classified in predefined categories. The entity discovery plugin can extract named entities for a fair number of categories (company names, product names, people, job titles, places, dates...). When found in a document, named entity values are saved as metadata named after the corresponding category and attached to the document.

Example: With named entity extraction enabled, when processing the following sentence:

```
This article comments Paul Baker's favorite restaurants in Boston.
```

The following metadata and values are created for this document:

- People = Paul Baker
- Place = Boston

Coveo Platform 7.0 Administrator Guide ("Administrator Guide") at p. 691 (available at http://download.coveo.com/onlinehelppdfs/CES70-AdministratorGuide.pdf (last accessed June 13, 2018)). The documents are analyzed to extract entities from it. The extracted entities are associated to their respected identified category tags. In an exemplary case shown below, the name of the person Paul Baker is associated to People category and the location, i.e., Boston, is associated to Place category.

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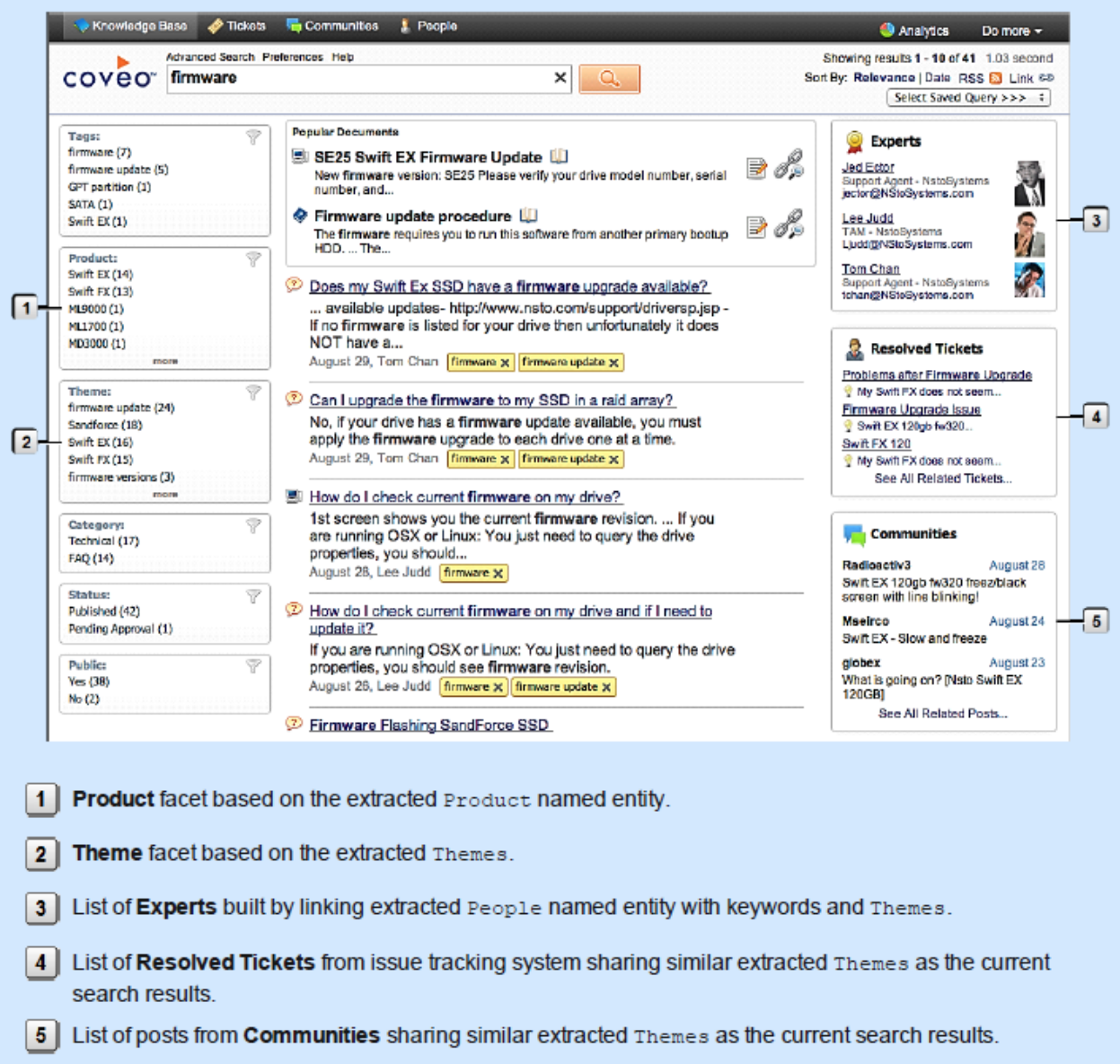

Id. at p. 689. Documents are indexed and a unified index is created such that a user can run queries to search for documents in a database.

7.1 What Is the Coveo Platform?

The Coveo Platform is an information consolidation platform that provides quick, global, and secure access to structured and unstructured information available in a variety of systems and repositories throughout your organization.

At the back-end, the Coveo Enterprise Search (CES) service maintains a unified index of the continuously growing masses of data available within your organization so that you can seamlessly find the information that you are looking for.

User Guide at p. 159.

8.6.4.1 About the Index

The unified index is the heart of the Coveo Platform Back-End. The index contains references to the whole content of indexed documents from the crawled repositories.

Facts about the index:

- The index is organized in source and collections.
- The index records the occurrences and positions of all term variants including those containing accented characters and all small common words.

Administrator Guide at p. 271.

2.3 Performing a Search

The Coveo Platform is a keyword search engine. The engine looks for the keywords that you type in the search box in the unified index to find documents containing these keywords.

User Guide at p. 9. When the user enters keywords for searching, these keywords are searched in the unified index.

2.3 Performing a Search

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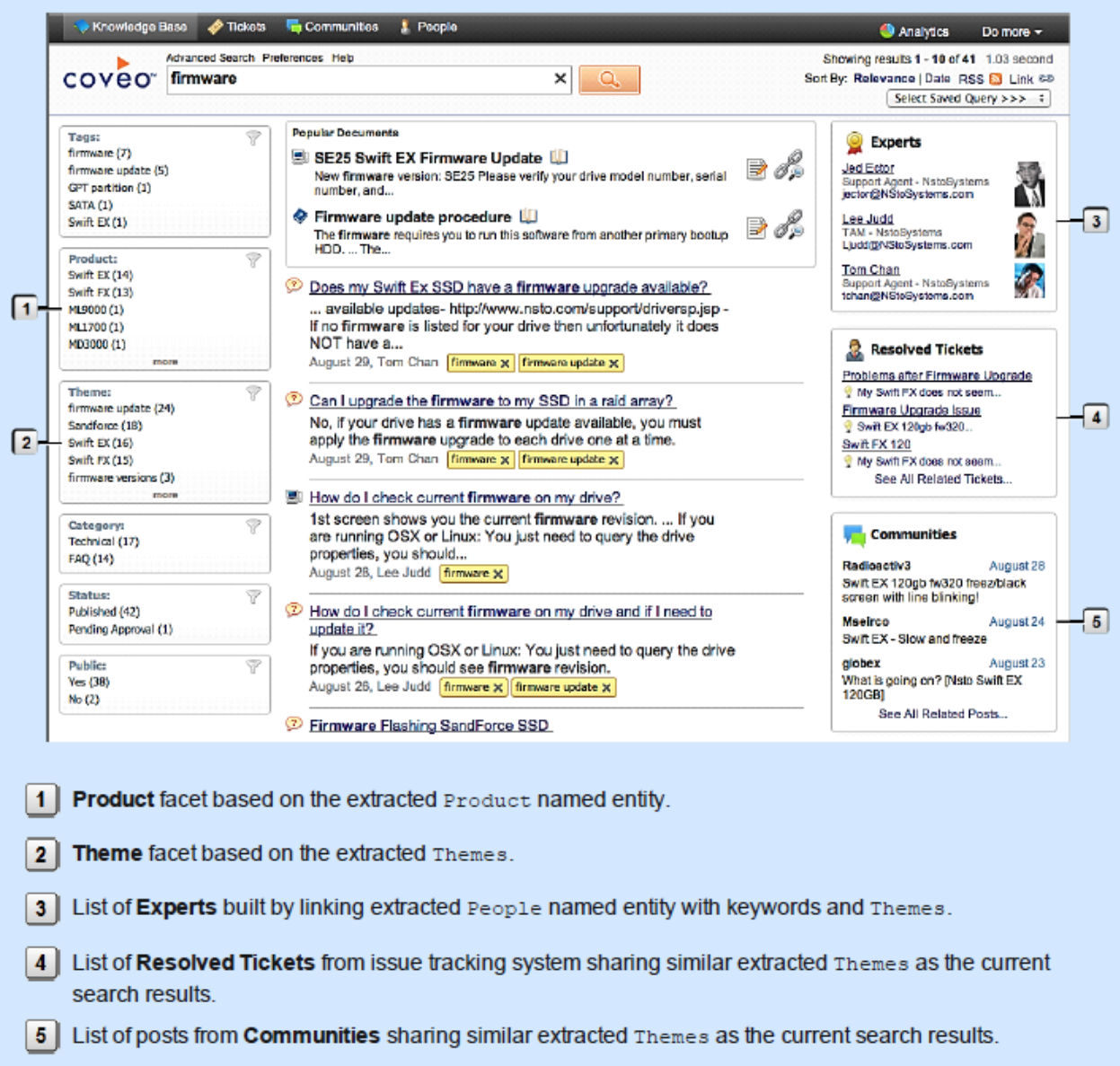
Id.



1 **Product** facet based on the extracted `Product` named entity.

2 **Theme** facet based on the extracted `Themes`.

3 List of **Experts** built by linking extracted `People` named entity with keywords and `Themes`.

4 List of **Resolved Tickets** from issue tracking system sharing similar extracted `Themes` as the current search results.

5 List of posts from **Communities** sharing similar extracted `Themes` as the current search results.

Administrator Guide at p. 689. When a user provides a search query, the unified index is searched to locate the relevant documents containing the searched keyword. The index contains references including the occurrences as well as the position of the respective terms within the document. Thus, these references associate the indexed record to the searched keyword within the document.

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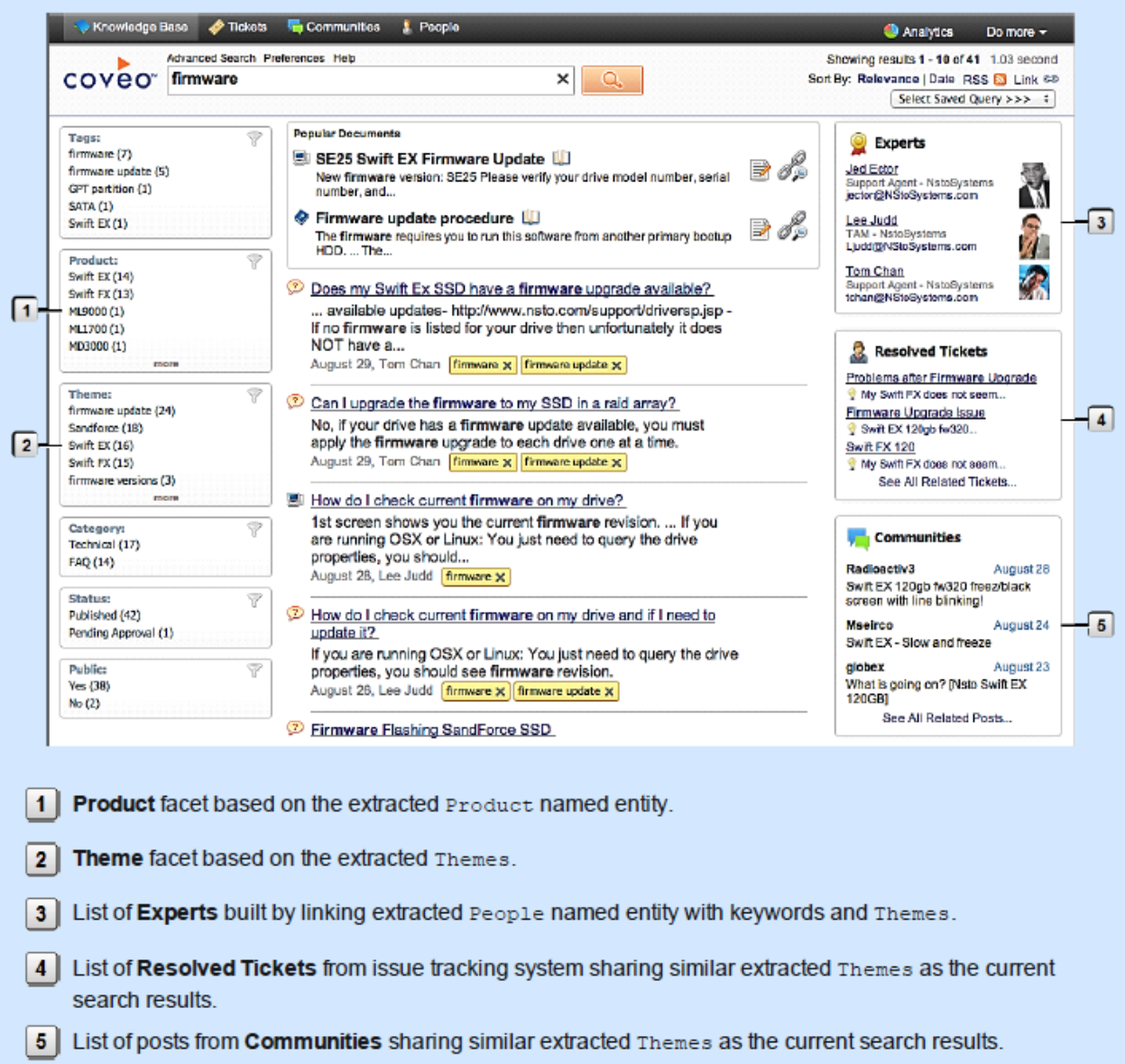

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Id. at p. 689. Information related to each identified document for the user query is displayed as the search results (e.g., "identifying phrases"). These search results can be arranged within different multi-tier hierarchies. In an exemplary case as shown below, the available hierarchies are: Tag, Date, Relevance, Category, etc. Based on the data within the index, hierarchies are identified to which the document belongs. Thus, during a keyword search, the respective hierarchies are identified and results are arranged within them. Such as in the exemplary case, the search results are displayed arranged within "Tag hierarchy."

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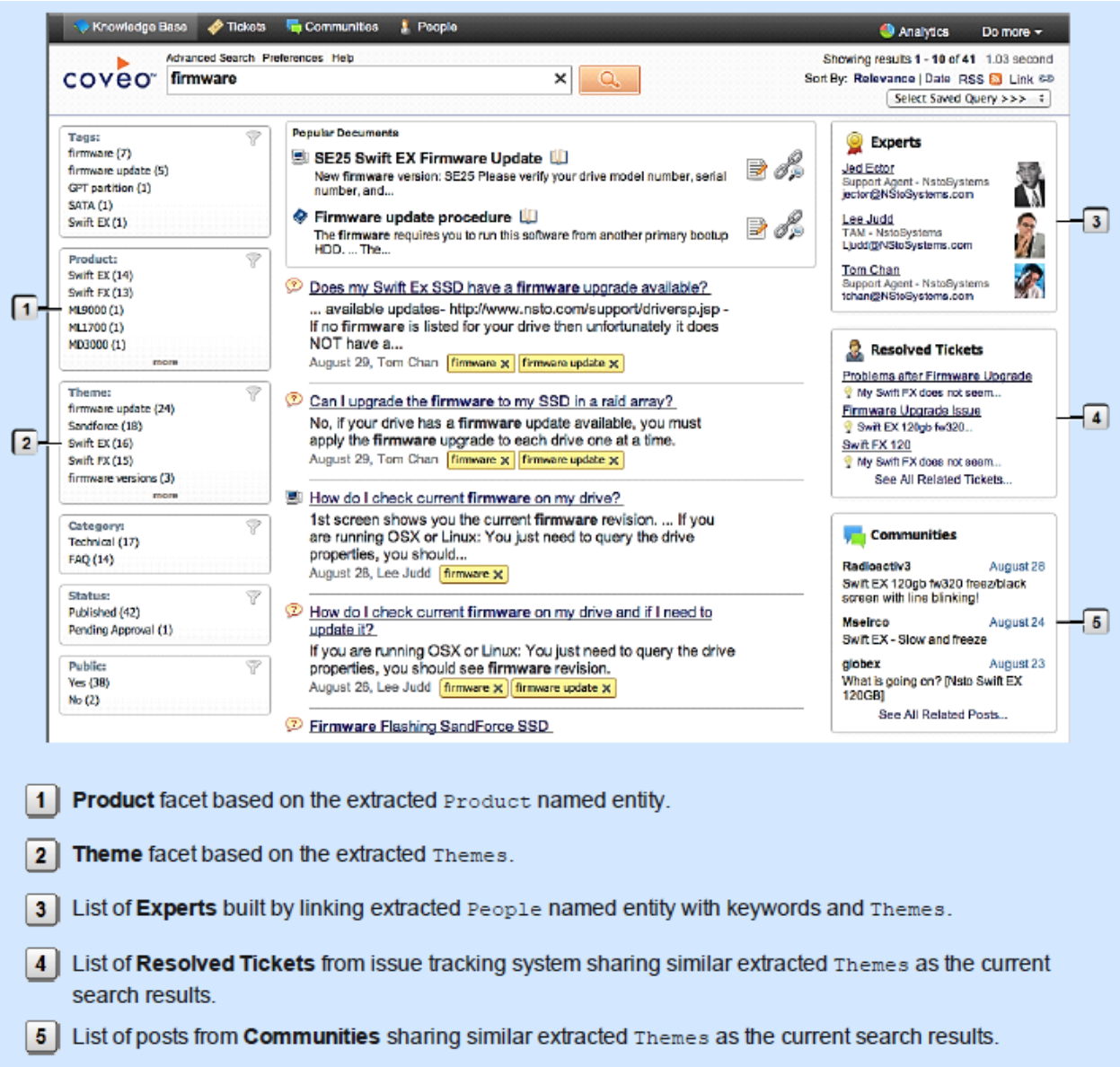
Id. at p. 689. As mentioned above, the results can be displayed or arranged within a multi-hierarchy scheme. In an exemplary case, search results are arranged in "Tags" hierarchy. Each identified phrase of the document contains the keyword based on which document is associated (e.g., "ordered") to a particular tag, and the search results (e.g., "identifying phrases") containing the searched keyword are displayed to the user.



Id. at p. 689.

18. Errol is entitled to recover from Defendant the damages sustained by Errol as a result of Defendant's infringement of the '166 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. RE42,167

19. Errol repeats and realleges the allegations of paragraphs 1 through 18 as if fully set forth herein.

20. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 29 of the '167 patent by making, using, importing, offering for sale, and/or selling, systems and methods for retrieving information from an informational resource, including, but not limited to, Coveo Platform 7.0, because each and every element is met either literally or equivalently.

21. Upon information and belief, Defendant used the Coveo Platform 7.0 via its internal use and testing in the United States, directly infringing one or more claims of the '167 patent.

22. More specifically, the Coveo Platform 7.0 enables a user to perform a search and get desired information (e.g., "retrieving information") from various repositories (e.g., "information resources"). The results are generated by crawling and searching within the database.

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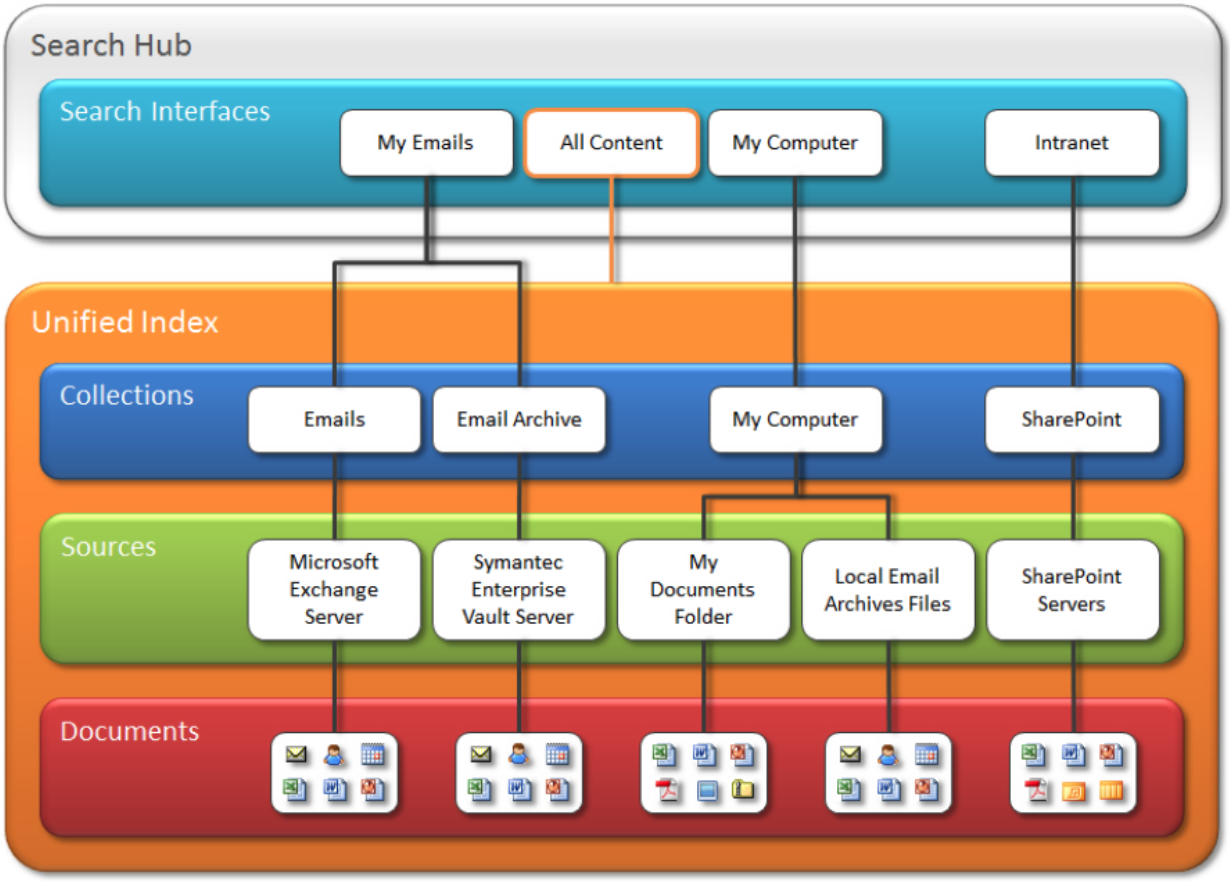

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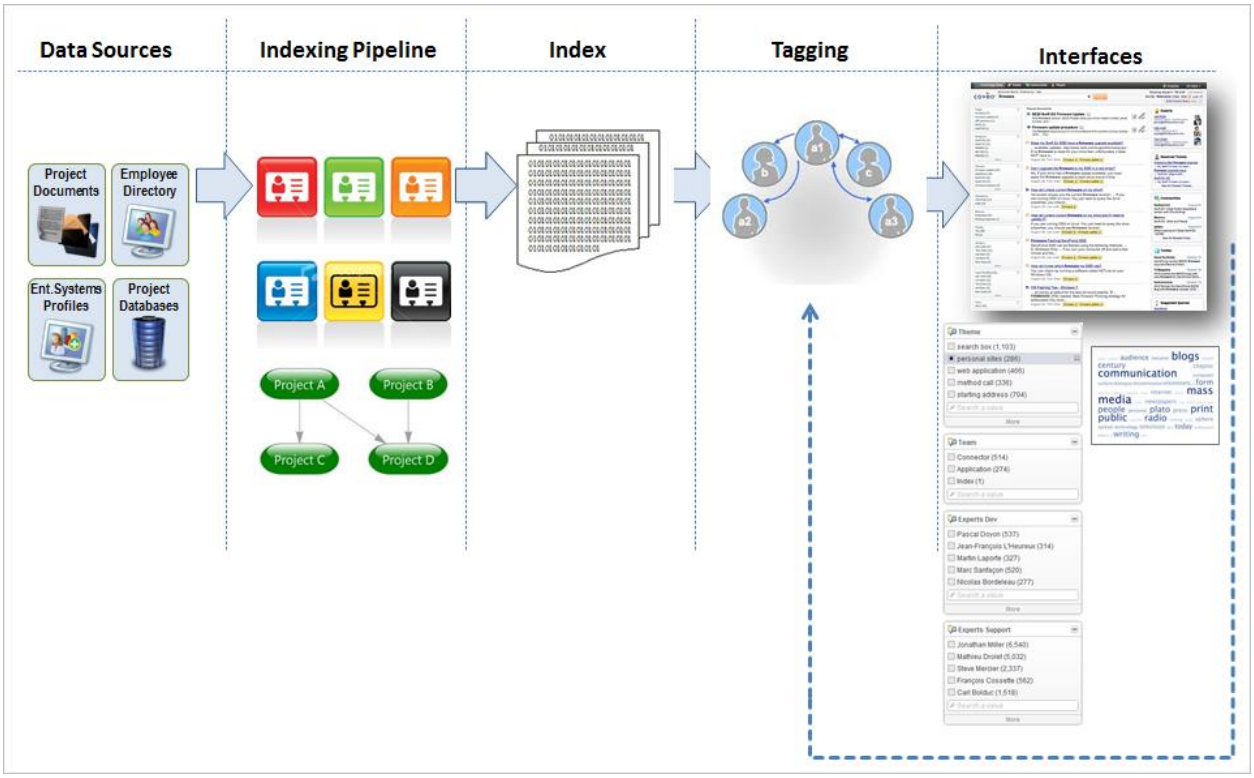

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- Entity discovery plugin

  A text analytics pipeline can use an entity discovery plugin (Salience) to extract themes and named entities as well as perform sentiment analysis from documents (see "Entity Discovery Plugin" on page 690).

Administrator Guide at p. 690.

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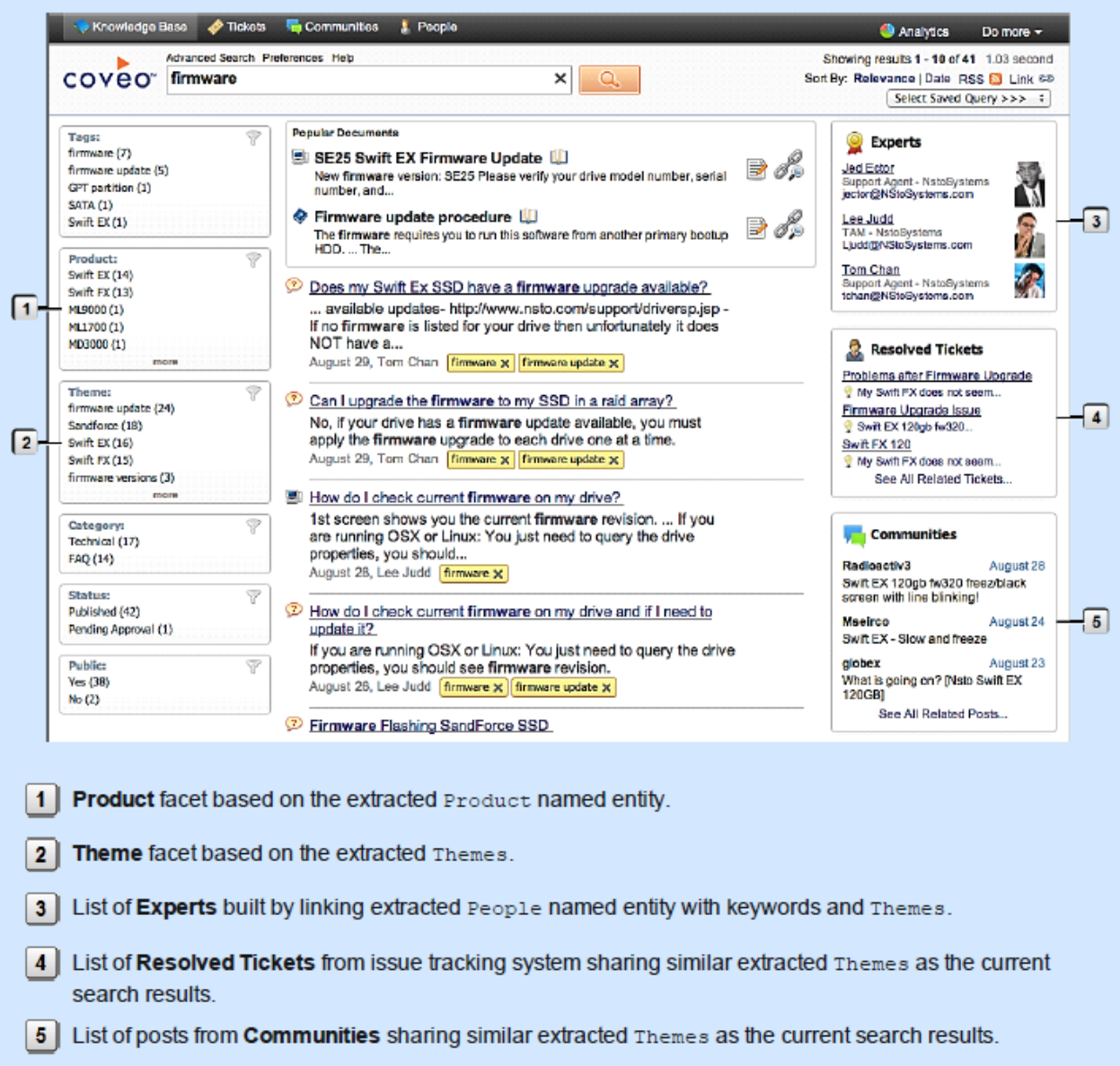

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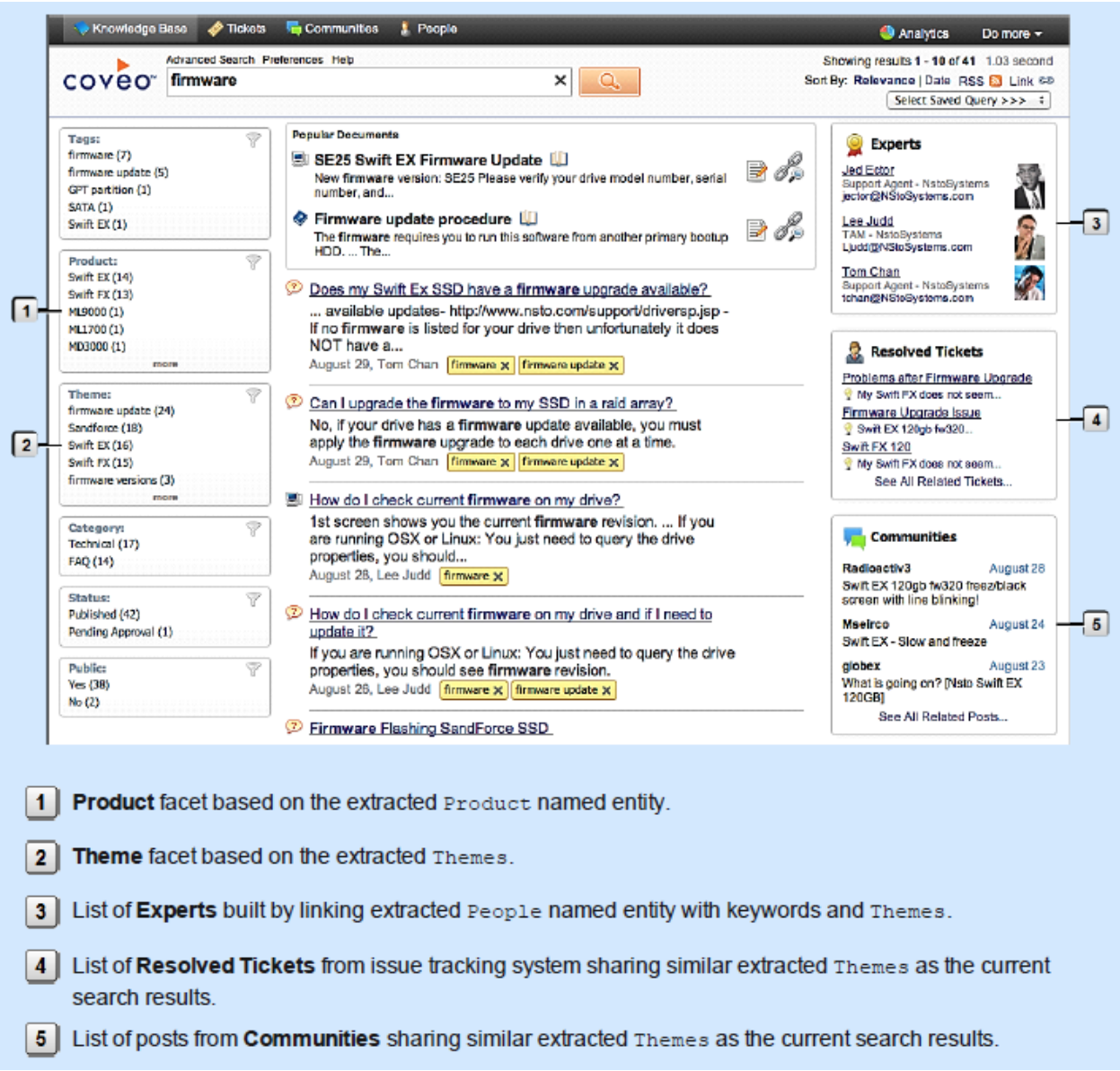

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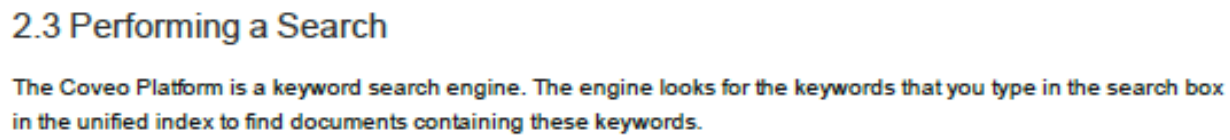
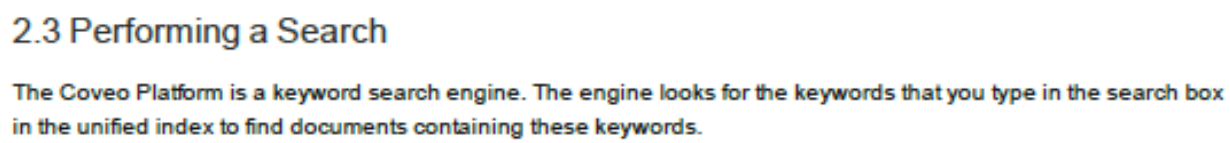


User Guide at p. 9. When the user enters keywords for searching, these keywords are searched in the unified index.



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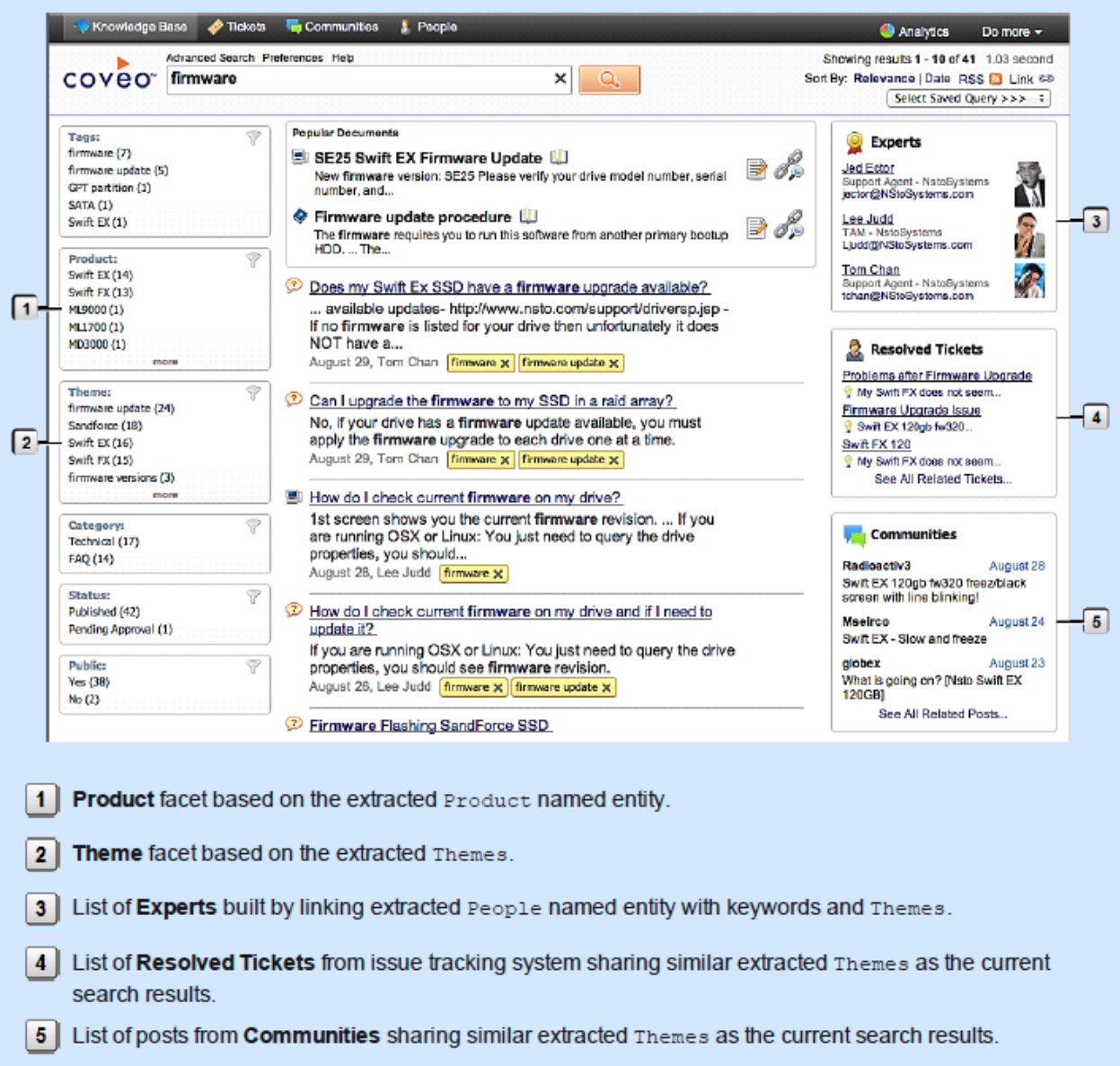

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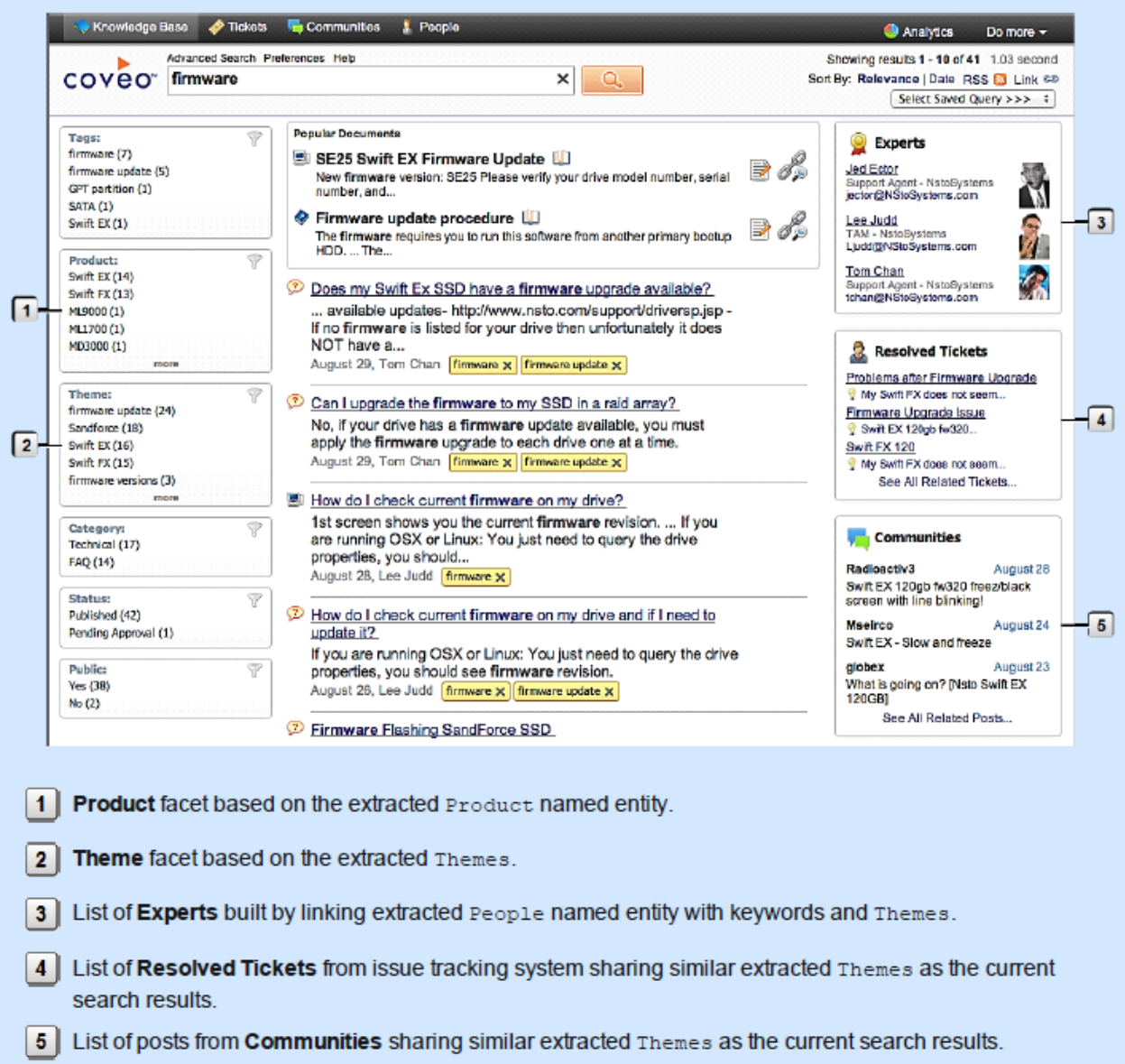

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Id. at p. 689. Information related to each identified document for the user query is displayed as the search results (e.g., "identifying phrases"). These search results can be arranged within different multi-tier hierarchies. In an exemplary case as shown below, the available hierarchies are: Tag, Date, Relevance, Category, etc. Based on the data within the index, hierarchies are identified to which the document belongs. Thus, during a keyword search, the respective hierarchies are identified and results are arranged within them. Such as in the exemplary case, the search results are displayed arranged within "Tag hierarchy."

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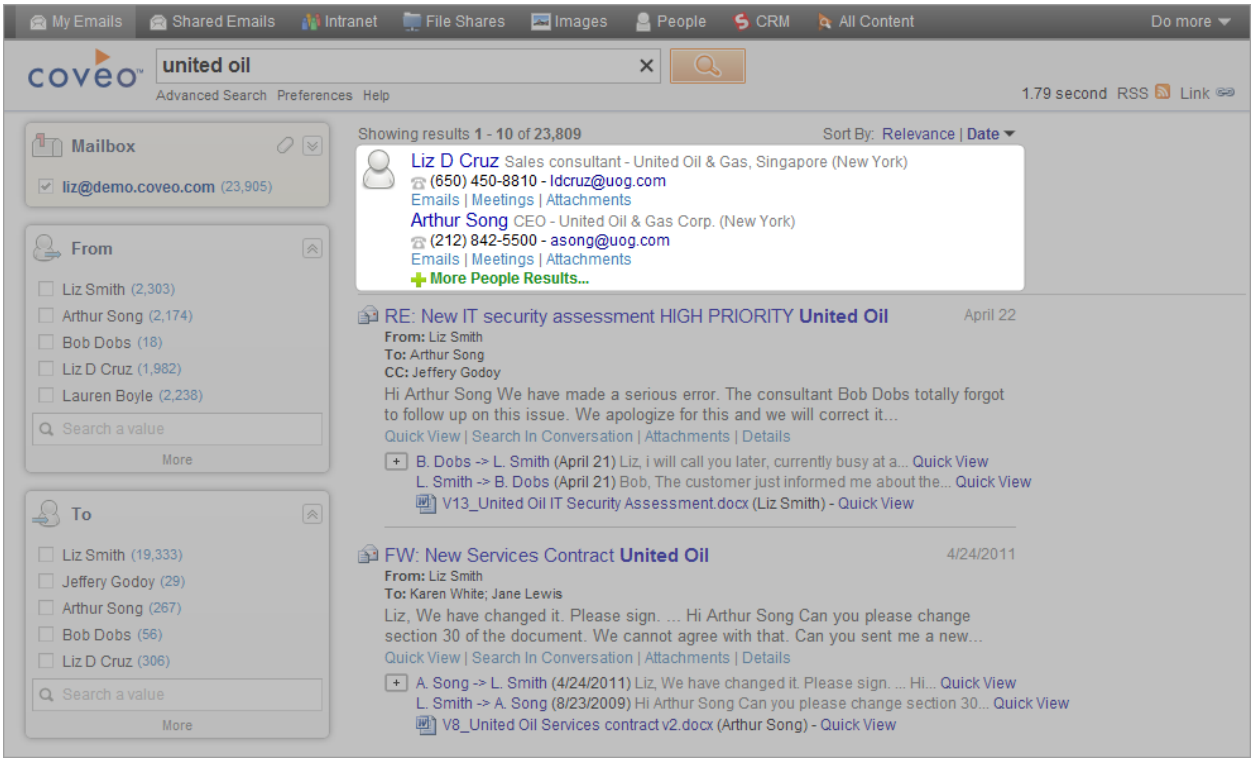
Id. at p. 689. As mentioned above, the results can be displayed or arranged within a multi-hierarchy scheme. In an exemplary case, search results are arranged in "Tags" hierarchy. Each identified phrase of the document contains the keyword based on which document is associated (e.g., "ordered") to a particular tag, and the search results (e.g., "identifying phrases") containing the searched keyword are displayed to the user.

Id. at p. 689. Coveo Platform 7.0 also provides searching facility within the mailbox. Considering the exemplary case below, the user can easily select any one of the search results by clicking (e.g.,

"selection of identifying phrase") on it. These search results are classified within categories such as "From" – sender of the email – and "To" – receiver of the email. The identifying phrases include multiple sub-elements called contextual commands that are links on which, if the user clicks, new results are triggered that are related to the search performed. For example, if the user clicks on "email To/From" contextual link in the search result, a new result will be generated showing the list of relevant emails from the selected user.



https://onlinehelp.coveo.com/en/ces/7.0/user/about_mini-results_in_net_search_interfaces.htm (last accessed June 14, 2018).

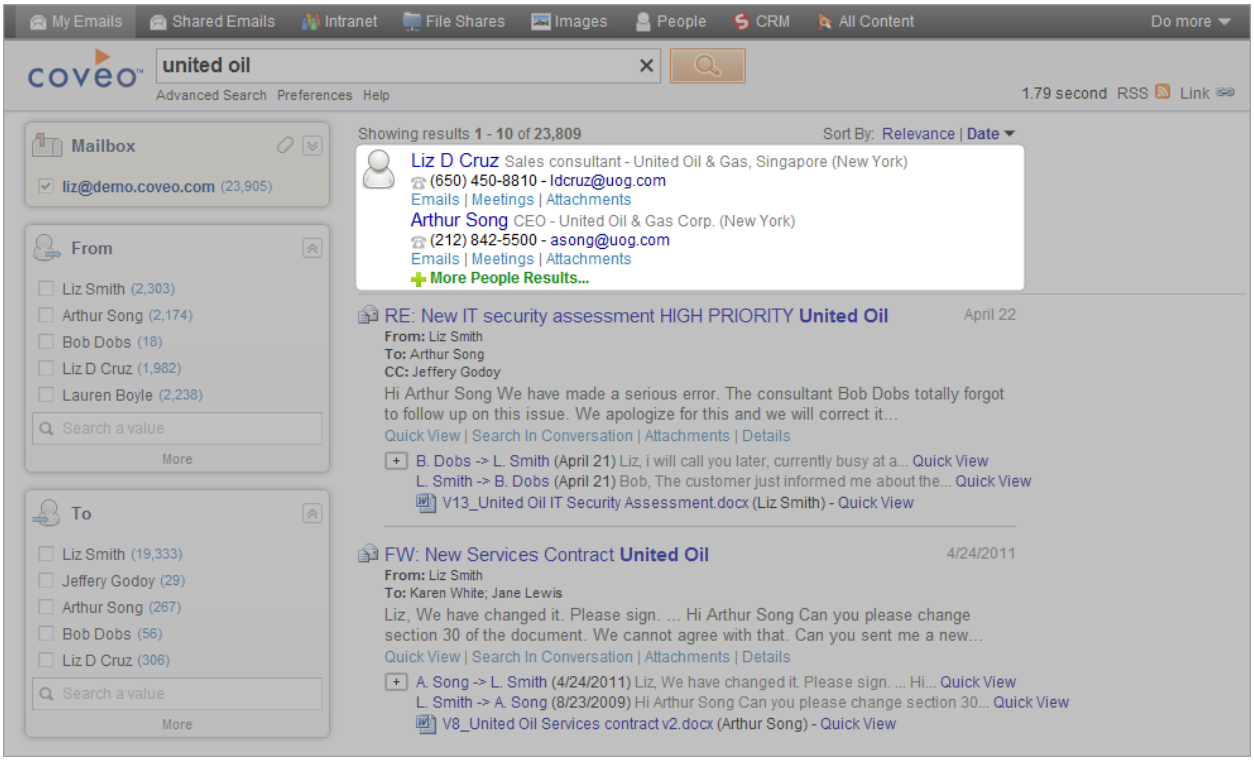
Contextual commands	Select to show various links such as **Quick View** and **Details**. The links appear on the last line. Users can click the links to trigger new result related searches. The availability of command links depends on the search interface and on the result type. Possible contextual command links are: **Quick View**, **Details**, **Attachments**, **Emails to/from**, **Meetings**, **Contacts**, **Search in conversation**, **Folder**.

Administrator Guide at p. 73.

1. The result number appears when the **Result number** option is selected.
2. The document language appears when the **Language** option is selected.
3. The date at which the document was last modified appears when the **Modified date** option is selected.
4. The ranking score percentage value appears when the **Score** option is selected.
5. The miniature graphical representation of the item appears when the **Thumbnail** option is selected.
6. The text excerpt appears when the **Excerpt** option is selected.
7. The list of concepts extracted from the document appears when the **Concepts** option is selected.
8. The time elapsed since the document was last indexed appears when the **Indexed date** option is selected.
9. The item address appears when the **Address** option is selected.
10. Various contextual links appear when the **Contextual commands** option is selected.
11. The three stars appear to indicate and allow rating when the **Rating** option is selected.
12. The indication of when the item was last opened by the current user appears when the **Last click** option is selected.
13. The document size appears when the **Size** option is selected.
14. The indication of the collection and the source in which the document is indexed appears when the **Collection/source** option is selected.

https://onlinehelp.coveo.com/en/ces/7.0/administrator/activating_search_interface_options_with_the_net_interface_editor.htm (last accessed June 13, 2018). As discussed, selection of a contextual command (such as email To/From) associated to a search result triggers fetching of new

results (e.g., "constructing a new informational resource for viewing"). The related results displayed contains emails that have same sender or receiver as the selected search result.



https://onlinehelp.coveo.com/en/ces/7.0/user/about_mini-results_in_net_search_interfaces.htm (last accessed June 13, 2018).

Contextual commands	Select to show various links such as **Quick View** and **Details**. The links appear on the last line. Users can click the links to trigger new result related searches. The availability of command links depends on the search interface and on the result type. Possible contextual command links are: **Quick View**, **Details**, **Attachments**, **Emails to/from**, **Meetings**, **Contacts**, **Search in conversation**, **Folder**.

Administrator Guide at p. 73.

23. Errol is entitled to recover from Defendant the damages sustained by Errol as a result of Defendant's infringement of the '167 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Errol hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Errol requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '166 and '167 patents;

B. An award of damages to be paid by Defendant adequate to compensate Errol for Defendant's past infringement of the '166 and '167 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Errol's reasonable attorneys' fees; and

D. An award to Errol of such further relief at law or in equity as the Court deems just and proper.

Dated: June 14, 2018

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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