

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GREATGIGZ SOLUTIONS, LLC,

Plaintiff

v.

KELLY SERVICES, INC.,

Defendant

Case No. 2:21-cv-0051

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

GreatGigz Solutions, LLC (“Plaintiff”) hereby files this First Amended Complaint for Patent Infringement against Kelly Services, Inc. (“Defendant”), and alleges, upon information and belief, as follows:

THE PARTIES

1. GreatGigz Solutions, LLC is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at 600 S. Dixie Highway, Suite 605, West Palm Beach, Florida 33401.
2. Upon information and belief, Kelly Services, Inc. (“Kelly Services”) is a domestic corporation organized and existing under the laws of Delaware, with a principal place of business located 999 W. Big Beaver Rd., Troy, MI 48084. Kelly Services may be served through its registered agent in the State of Texas at CT Corp System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-2136.
3. Upon information and belief, Kelly Services sells and offers to sell products and services throughout the State of Texas, including in this judicial District, and introduces services via its

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

infringing systems into the stream of commerce knowing and intending that they would be extensively used in the State of Texas and in this judicial District. Upon information and belief, Kelly Services specifically targets customers in the State of Texas and in this judicial District.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338.
5. This Court has personal jurisdiction over Defendant. Defendant has continuous and systematic business contacts with the State of Texas. Defendant directly conducts business extensively throughout the State of Texas, by distributing, making, using, offering for sale, selling, and advertising (including the provision of interactive web pages and apps) its services in the State of Texas and in this District. Defendant has purposefully and voluntarily made its infringing systems available to residents of this District and into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in this District.
6. Upon information and belief, Defendant maintains regular and established places of business in the State of Texas and specifically within this District, which is illustrated by the fact that Kelly Services maintains multiple offices throughout the state of Texas, including in the Eastern District of Texas. (See Figures 1 and 2 below).

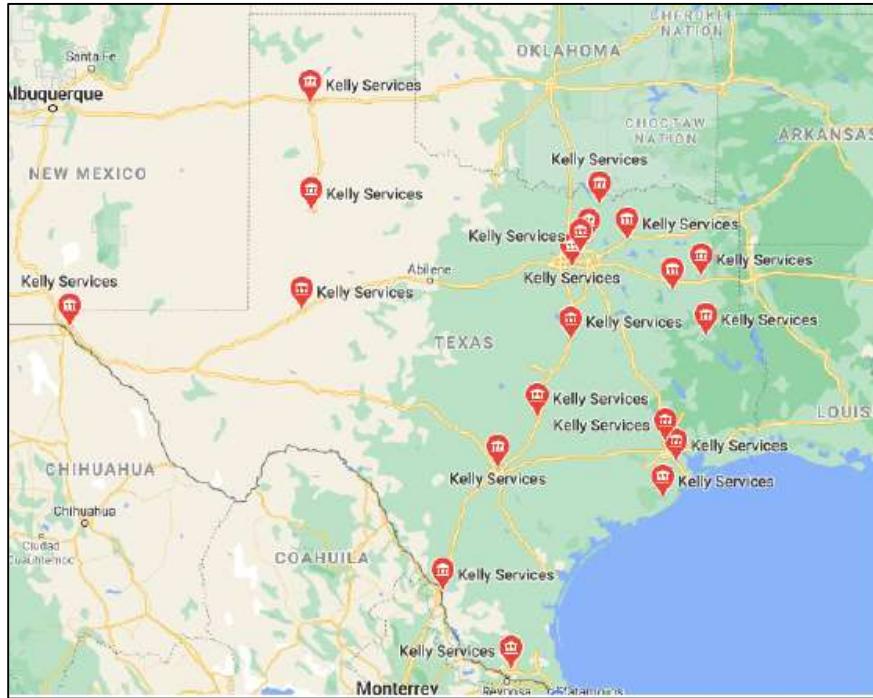
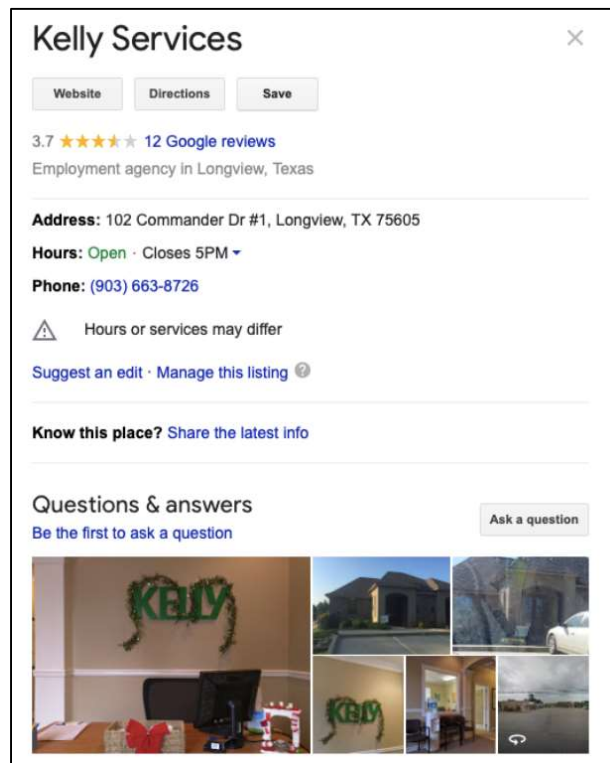


Figure 1¹



¹ Source, as visited on February 12, 2021: Google Maps (search query: “kelly services texas”)

Figure 2²

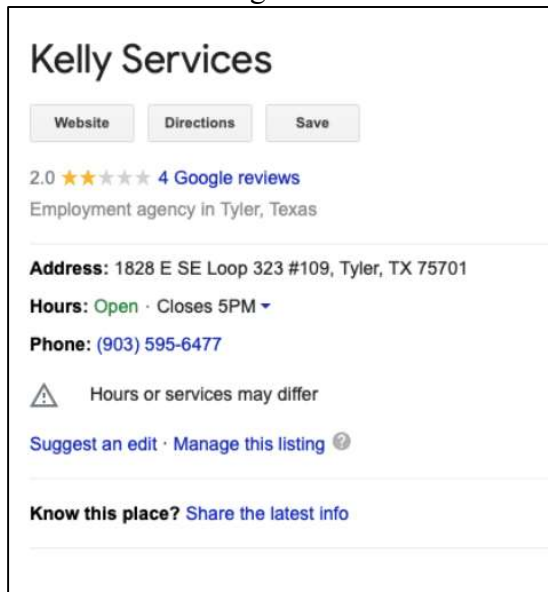


Figure 3³

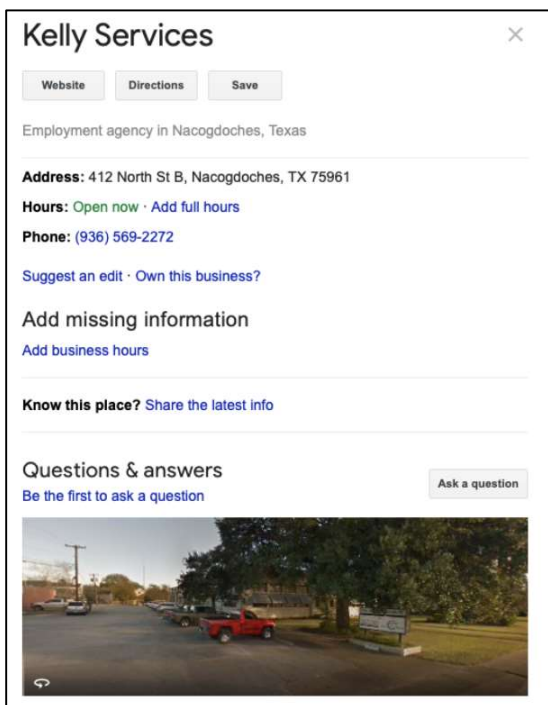


Figure 4⁴

² Source, as visited on February 12, 2021: Google Maps (search query: "kelly services texas")

³ Source, as visited on February 12, 2021: Google Maps (search query: "kelly services texas")

⁴ Source, as visited on February 12, 2021: Google Maps (search query: "kelly services texas")

7. Venue is proper in the Eastern District of Texas as to Defendant pursuant to at least 28 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendant maintains regular and established places of business in this District.

PATENTS-IN-SUIT

8. GreatGigz Solutions, LLC is the owner, by assignment, of U.S. Patent Nos. 6,662,194 (“the ’194 Patent”); 7,490,086 (“the ’086 Patent”); 9,760,864 (“the ’864 Patent”); and 10,096,000 (“the ’000 Patent”) (hereinafter collectively referred to as “the GGS Patents”).
9. The GGS Patents are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
10. The inventions described and claimed in the GGS Patents were invented by Raymond Anthony Joao.
11. The priority date of each of the GGS Patents is at least as early as July 31, 1999.
12. The GGS Patents each include numerous claims defining distinct inventions.
13. During prosecution of the ’864 Patent, the patent examiner considered whether the claims of the ’864 Patent were eligible under 35 USC §101 in view of the United States Supreme Court’s decision in *Alice*. The patent examiner found that the claims are in fact patent eligible under 35 USC §101 because all pending claims are directed to patent-eligible subject matter, none of the pending claims are directed to an abstract idea and there would be no preemption of the abstract idea or the field of the abstract idea.
14. GreatGigz Solutions, LLC alleges infringement on the part of Defendant of the ’194 Patent and the ’086 Patent (the “Asserted Patents”).
15. The ’194 Patent relates generally to an apparatus and method for providing recruitment information, including a memory device for Storing information regarding at least one of a job

opening, a position, an assignment, a contract, and a project, and information regarding a job Search request, a processing device for processing information regarding the job Search request upon a detection of an occurrence of a Searching event, wherein the processing device utilizes information regarding the at least one of a job opening, a position, an assignment, a contract, and a project, Stored in the memory device, and further wherein the processing device generates a message containing information regarding at least one of a job opening, a position, an assignment, a contract, and a project, wherein the message is responsive to the job Search request, and a transmitter for transmitting the message to a communication device associated with an individual in real-time. *See* Abstract, '194 Patent.

16. The '086 Patent relates generally to an apparatus, including a memory device which stores information regarding a job opening, position, assignment, contract, or project, and information regarding a job search request or inquiry, a processing device which processing the information regarding a job search request or inquiry upon an automatic detection of an occurrence of a searching event which is an occurrence of a job posting, a posting of new or revised data or information, a news release of a business event, an employment-related event, an economic report, industry-specific news, an event which creates an to fill a position, or an event which creates an interest to seek a position, and generates a message, containing the information regarding a job opening, position, assignment, contract, or project, responsive to the job search request or inquiry, and a transmitter which transmits the message to a communication device associated with an individual. *See* Abstract, '086 Patent.
17. As noted, the claims of the Asserted Patents claim priority to at least July 31, 1999. At that time, the idea of launching Kelly Services.com was still several years away.

18. Likewise, as of the priority date in July 1999, the inventions as claimed were novel, non-obvious, unconventional, and non-routine. Among other things, as of the priority date, “[t]he enlistment of employment agencies, recruiters, so-called ‘headhunters’, employment and/or career consultants, temporary employment agencies, personal agents, personal managers, and/or other intermediaries, can be costly and can lead to job search efforts and/or recruitment efforts which may be limited in breadth and/or scope by the personal and/or individual contacts, limitations and/or constraints associated with the employment agency, recruiter, so-called ‘headhunter’, employment and/or career consultant, temporary employment agency, personal agent, personal manager, and/or other intermediary.” *See* ’194 Patent at 2:7-17. The deficiencies in the art as of the date of invention deprived individuals and employers from being able to obtain introductions to the best possible candidates. *Id.* at 2:18-24. Still further, as of the date of invention, job search efforts were limited by a multitude of factors, and the available resources (*e.g.*, employment agencies) could not overcome such limitations. *Id.* at 2:26-42. The inventions as claimed overcome the deficiencies in the art by establishing an unconventional central clearinghouse for job searching services. *Id.* at 3:25-34. Such clearinghouse is embodied and claimed in the form of the central database, which contains all pertinent information concerning both employers and individual job seekers. *Id.* at 14:28-45. Again, the inventions as claimed capture a technological solution to the deficiencies in the art by eliminating the need to rely upon interpersonal relationships as a limiting factor in job searching.
19. In addition, as of the date of invention in July 1999, the job search process was inefficient and unsatisfactory, especially when the parties requested additional information or were not adequately informed as to the needs and demands of a counterpart. *See* ’194 Patent at 2:43-62. The inventions as claimed overcome these problems in the art by providing an unconventional links to data and

information pertinent to the job search activities of users. *Id.* at 7:22-28. Such links unconventionally allowed users to access information external to the central processor. *Id.* at 16:8-19. Such links also permitted enhanced communication among employers and job seekers. *Id.* at 20:36-44. The unconventional approach was a substantial advancement over the state of the art, including because it allowed users to obtain additional information and conduct research without interrupting the processing of the central processor. *Id.* at 24:59-25:6.

20. In addition, as of the date of invention in July 1999, confidentiality and anonymity were difficult to maintain among participants. *See* '194 Patent at 2:62-3:8. The inventions as claimed overcame these deficiencies in the art by providing unconventional enhanced confidentiality during job search interactions. *Id.* at 10:9-15; 16:1-6. As of the date of invention, the conventional approach lacked any privacy controls. *See, e.g.,* <https://www.smartrecruiters.com/blog/the-history-of-job-ads/>.
21. The inventions as claimed provide a technological solution to the technological problems in the industry as of the date of invention. For example, the inventions provide an unconventional specially programmed central processor (or processing computer) linked to both employer and individual computers. *See* '194 Patent at 13:52-61. Such an unconventional architecture allowed for the “direct or indirect bi-directional communication between an individual computer and an employer computer.” *Id.* at 13:57-61. As of the date of invention, such architectures were not routine and were unconventional. Indeed, the novel architecture enhanced the operation and functionality of computers as useful tools by modifying the traditional and expected flow of data between employers and job seekers. The novel architecture includes the specific claimed transmitters and receivers for carrying out the bi-directional communications among employers and individuals. *Id.* at 14:19-27. Further, the unconventional clearinghouse central processor is

located such that it can be updated via inputs from both the employer and individual job seeker. *Id.* at 17:57-67. Again, this architecture was unconventional in the job placement/search field, which at the time of invention was conventionally limited to static and “relatively primitive” job listings. *See* <https://www.smartrecruiters.com/blog/the-history-of-job-ads/>. Such listings did not provide a reasonable means for employers to interact with job seekers. *Id.*

22. Still further, the inventions as claimed provide for the inclusion of work scheduling information as an integral component of the job search. *See* ’194 Patent at 16:20-32. As described and claimed, an employer can utilize the work scheduling information to reserve or engage the services of an individual for specific dates and times as needed by the employer. *Id.* at 33:53-67. As of the date of invention in July 1999, such service and technological solution was unconventional and not routine. Indeed, the invention as claimed is what permitted the eventual rise of the “gig economy” as is now commonly exploited by providers such as Uber (which did not exist until 2010). The so-called modern “gig economy” did not emerge until the financial crisis of 2008. *See, e.g.,* <https://www.businessnewsdaily.com/10359-gig-economy-trends.html>.
23. In addition, the inventions as claimed provide a technological solution to the deficiencies in the art by facilitating the hiring process as between an employer and an individual job seeker. *See* ’194 Patent at 26:12-28:14. The conventional art as of the date of invention did not embody the inventive architecture and was thus unable to carry out such communications among the participants.
24. The deficient state of the art is additionally described in the contemporaneous specification for United States Patent No. 6,457,005 (assigned to hotjobs.com), which has a priority date of June 17, 1999. As explained in the ’005 Patent, the use of computers in the job search field at the time was deficient because it lacked the bi-directional communication capability of the Asserted

Patents. *See* '005 Patent at 1:30-40 (describing state of the art as merely allowing static search of employment databases). Still further, the '005 Patent confirms the fact that referral programs and recruiting services at the time were deficient and limited by interpersonal relationships. *Id.* at 1:41-55. Just as with the claims of the Asserted Patents, the inventors of the '005 Patent endeavored to provide a solution to the recognized problem of matching resources to entities with need. *Id.* at 1:62-65.

25. The claims of the Asserted Patents are not drawn to laws of nature, natural phenomena, or abstract ideas. Although the systems and methods claimed in the Asserted Patents are ubiquitous now (and, as a result, are widely infringed), the specific combinations of elements, as recited in the claims, was not conventional or routine at the time of the invention.
26. Further, the claims of the Asserted Patents contain inventive concepts which transform the underlying non-abstract aspects of the claims into patent-eligible subject matter.
27. Consequently, the claims of the Asserted Patents recite systems and methods resulting in improved functionality of the claimed systems and represent technological improvements to the operation of computers.
28. The '194 Patent was examined by Primary United States Patent Examiner Franz Colby. During the examination of the '194 Patent, the United States Patent Examiner searched for prior art in the following US Classifications: 705/1, 10, 11, 705/26, 707/104.1, 10, 3, and 103R.
29. After conducting a search for prior art during the examination of the '194 Patent, the United States Patent Examiner identified and cited the following as the most relevant prior art references found during the search: (i) 5,164,897, 11/1992, Clark et al.; (ii) 5,832,497, 11/1998, Taylor; (iii) 5,884,270, 3/1999, Walker et al.; (iv) 5,884,272, 3/1999, Walker et al.; (v) 5,978,768, 11/1999, McGovern et al.; (vi) 6,324,538, 11/2001, Wesinger, Jr. et al.; (vii) 6,332,125, 12/2001, Callen et

al.; (viii) 6,363,376, 3/2002, Wiens et al.; (ix) 6,370,510, 4/2002, McGovern et al.; (x) 6,381,592, 4/2002, Reuning; and (xi) 6,385,620, 5/2002, Kurzius et al.

30. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States Patent Examiner allowed all of the claims of the '194 Patent to issue. In so doing, it is presumed that Examiner Colby used his or her knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Colby has experience in the field of the invention, and that the Examiner properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).
31. The '086 Patent was examined by Primary United States Patent Examiner Jean M. Corrielus. During the examination of the '086 Patent, the United States Patent Examiner searched for prior art in the following US Classifications: 707/104.1, 707/3, 10, 103R, 1, 2, 4, 5, 705/1, 10, 11, and 705/26.
32. After conducting a search for prior art during the examination of the '086 Patent, the United States Patent Examiner identified and cited the following as the most relevant prior art references found during the search: (i) 4,625,081, 11/1986, Lotito et al.; (ii) 5,164,897, 11/1992, Clark et al.; (iii) 5,978,768, 11/1999, McGovern et al.; (iv) 6,370,510, 4/2002, McGovern et al.; (v) 6,381,592, 4/2002, Reuning; (vi) 6,385,620, 5/2002, Kurzius et al.; (vii) 6,567,784, 5/2003, Bukow; (viii) 6,662,194, 12/2003, Joao; (ix) 6,873,964, 3/2005, Williams et al.; (x) 7,148,991, 12/2006, Suzuki et al.; and (xi) 2003/020531, 6/2003, Parker.
33. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States

Patent Examiner allowed all of the claims of the '086 Patent to issue. In so doing, it is presumed that Examiner Corrielus used his or her knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Corrielus has experience in the field of the invention, and that the Examiner properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).

34. The claims of the Asserted Patents are properly issued, valid, and enforceable.

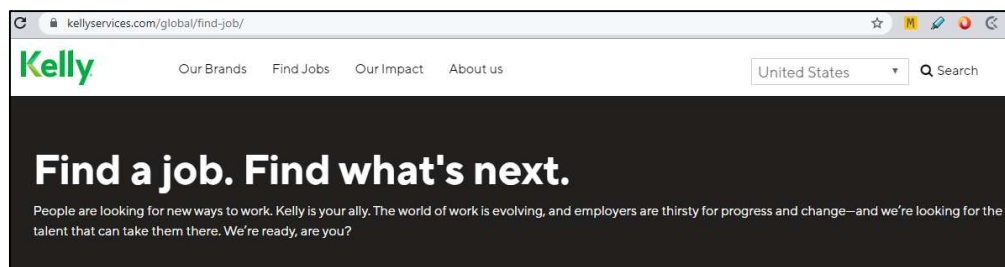
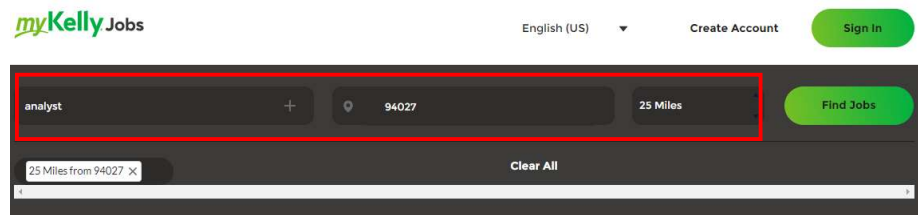
THE ACCUSED INSTRUMENTALITIES

35. Upon information and belief, Defendant provides a web platform (e.g., <https://www.kellyservices.com>) hosted on Defendant's server comprising infrastructure including but not limited to memory, processors, transmitters and/or receivers for the recruitment process where employers post jobs to hire the candidates and candidates search for the available job opportunities in a given geographic location ("Accused Instrumentalities"). To find jobs, candidates fill in the job title and the preferred geographic location (zip code) of the job.

COUNT I **Infringement of U.S. Patent No. 6,662,194**

36. Plaintiff incorporates the above paragraphs by reference.
37. Defendant has been on actual notice of the '194 Patent at least as early as the date it received service of the Original Complaint in this litigation.
38. Upon information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.
39. Upon information and belief, Defendant has directly infringed and continues to directly infringe at least Claims 1, 3, 7, 12 and 53 of the '194 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

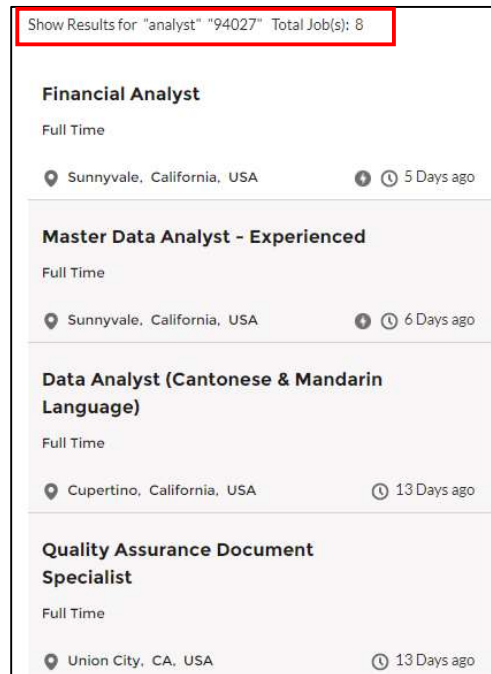
40. Upon information and belief, the Accused Instrumentalities comprise an apparatus for providing recruitment information. For example, Defendant provides a web platform hosted on Defendant's server comprising infrastructure including, but not limited to, memory, processors, transmitters and/or receivers for the recruitment process where employers post jobs to hire candidates and candidates search for the available job opportunities in a given geographic location. To find jobs, candidates fill in the job title and the preferred geographic location (zip code) of the job. See Figures 5-8 below.

Figure 5⁵Figure 6⁶Figure 7⁷

⁵ Source, as visited on January 27, 2021: <https://www.Defendant's/global/find-job/>

⁶ Source, as visited on January 27, 2021: , <https://www.kellyservices.us/en/>

⁷ Source, as visited on January 27, 2021: https://kellyservices.force.com/kellycareernetwork/s/search-results?c__jobpostid=US15RGPF_BH3317490&language=en_US&rx_p=&utm_campaign=unpaid_b2c_always-on&rx_ts=&utm_medium=kelly-site-referral&rx_group=&source=&rx_source=&rx_job=&c__keyword=analyst&c__Location=94027&rx_medium=&rx_campa

Figure 8⁸

41. Upon information and belief, Defendant's Accused Instrumentalities include a memory device for storing information regarding at least one of a job opening, a position, an assignment, a contract, and a project, and information regarding a job search request. For example, Kelly Services web platform hosted on Defendant's server comprises a storage to store and provide information regarding all available job opportunities ("a job opening, a position") from employers (Kelly Services' customers) to candidates searching for a job. The candidate searches for the job using job title and location and in response gets the list of all relevant job openings stored in storage at server. *See* Figures 6-8 above. *See also* Figure 9 below.

[gn=&c__Radius=&rx_a=&rx_paid=&c__jobid=a7V2E0000005VY8UAM&utm_source=kelly-us&utm_content=green-bar_kcnlink_&rx_c](https://kellyservices.force.com/kellycareernetwork/s/search-results?c__jobpostid=US15RGPF_BH3317490&language=en_US&rx_p=&utm_campaign=unpaid_b2c_always-on&rx_ts=&utm_medium=kelly-site-referral&rx_group=&source=&rx_source=&rx_job=&c__keyword=analyst&c__Location=94027&rx_medium=&rx_campaign=&c__Radius=&rx_a=&rx_paid=&c__jobid=a7V2E0000005VY8UAM&utm_source=kelly-us&utm_content=green-bar_kcnlink_&rx_c)

⁸ Source, as visited on January 27, 2021: https://kellyservices.force.com/kellycareernetwork/s/search-results?c__jobpostid=US15RGPF_BH3317490&language=en_US&rx_p=&utm_campaign=unpaid_b2c_always-on&rx_ts=&utm_medium=kelly-site-referral&rx_group=&source=&rx_source=&rx_job=&c__keyword=analyst&c__Location=94027&rx_medium=&rx_campaign=&c__Radius=&rx_a=&rx_paid=&c__jobid=a7V2E0000005VY8UAM&utm_source=kelly-us&utm_content=green-bar_kcnlink_&rx_c

Kelly collects, stores, and uses personal data to provide our recruiting, employment, outsourcing, and consulting services. We collect personal data about individuals who use our websites, apply for employment or engagement with us, or placement by us through our recruitment services, and those who are representatives of our customers (including prospective customers).

Most of this data is provided by you directly when you contact us, submit an application, attend an in-person recruiting event, through phone conversations, contact us about our services, or during your outsourcing or employment relationship.

We also collect data about individuals who are employed or engaged by our customers in connection with our provision of outsourcing and consulting services to those customers. This is generally obtained through our interactions with customers, suppliers, and service providers.

When you interact with a Kelly website or application, we collect data related to how you interact with that service by, for example, our use of cookies placed on your device.

Figure 9⁹

42. Upon information and belief, Defendant's Accused Instrumentalities include a processing device for processing information regarding the job search request upon a detection of an occurrence of a searching event, wherein the processing device is programmed to detect the occurrence of the searching event, wherein the processing device utilizes information regarding the at least one of a job opening, a position, an assignment, a contract, and a project, stored in the memory device, and further wherein the processing device generates a message containing information regarding at least one of a job opening, a position, an assignment, a contract, and a project, wherein the message is responsive to the job search request. For example, Kelly Services web platform hosted on Defendant's server comprises processors to process the candidate's search request for available jobs ("job search request"). To find jobs, candidates fill in the job title and the preferred geographic location of the job. Kelly Services platform utilizes the stored information regarding the available jobs from employers (Kelly Services' customers) and gives a relevant list of matching jobs to the candidate ("message is responsive to the job search request") based on the job title and location. Each job in the list when clicked shows the information regarding that job ("a message containing

⁹ Source, as visited on January 27, 2021: https://www.kellyservices.com/global/siteassets/3-kelly-global-services/uploadedfiles/3-kelly_global_services/content/sectionless_pages/privacy20statement_eng.pdf, page 2

information regarding at least one of a job opening”). See Figures 6 and 7 above. See also Figures 10 and 11 below.

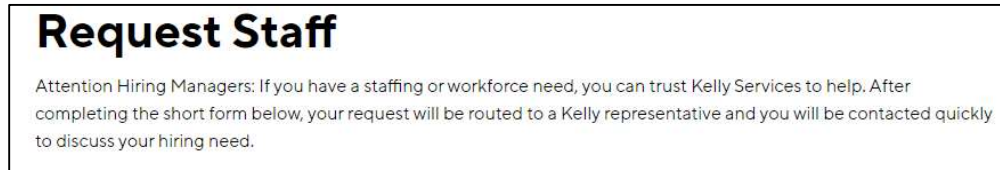


Figure 10¹⁰

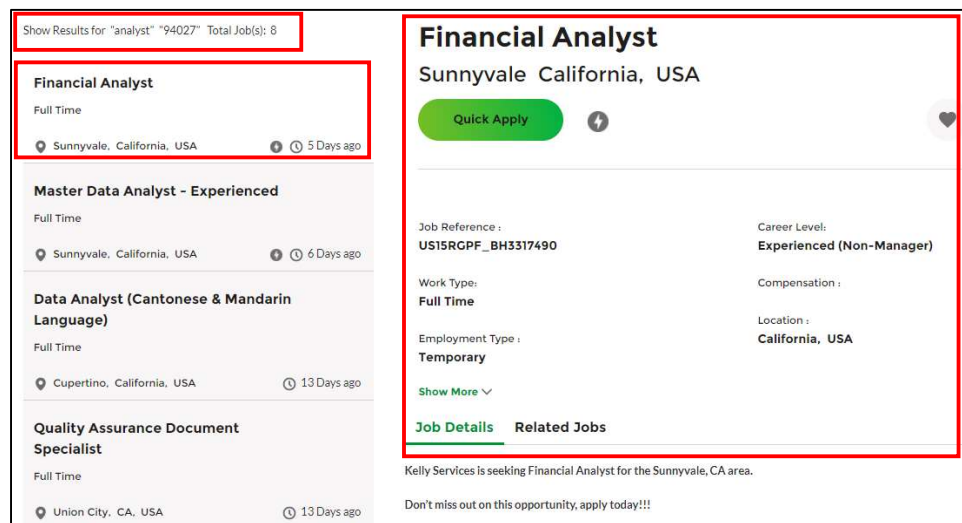


Figure 11¹¹

43. Upon information and belief, Defendant’s Accused Instrumentalities further include a transmitter for transmitting the message to a communication device associated with an individual, wherein the message is transmitted to the communication device in real-time. For example, after coming up with the result based on candidate’s search, Defendant’s server comprising transmitter transmits

¹⁰ Source, as visited on January 27, 2021: <https://www.kellyservices.us/us/contact-us/request-staff/>

¹¹ Source, as visited on January 27, 2021: https://kellyservices.force.com/kellycareernetwork/s/search-results?c__jobpostid=US15RGPB_BH3317490&language=en_US&rx_p=&utm_campaign=unpaid_b2c_always-on&rx_ts=&utm_medium=kelly-site-referral&rx_group=&source=&rx_source=&rx_job=&c_keyword=analyst&c_Location=94027&rx_medium=&rx_campaign=&c_Radius=&rx_a=&rx_paid=&c_jobid=a7V2E0000005VY8UAM&utm_source=kelly-us&utm_content=green-bar_kenlink_&rx_c

the result (list of available jobs) in real-time to a communication device such as laptop, smartphone and/or tablet associated with the candidate (“individual”). *See* Figure 12 below.

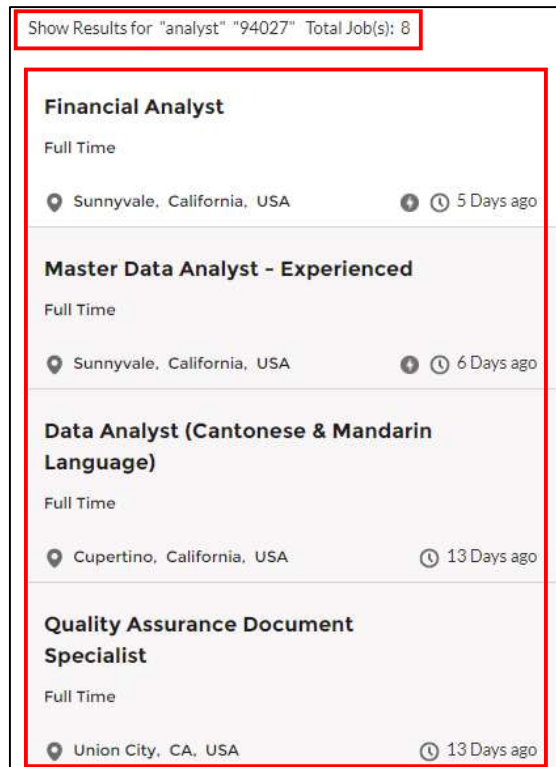


Figure 12¹²

44. Upon information and belief, Defendant’s Accused Instrumentalities are programmed such that they are activated automatically upon the occurrence of a searching event.
45. Upon information and belief, the infringing “searching event” (*See* ¶ 41 above) is at least one of an occurrence of a posting of new or revised data or information from an individual or group of individuals, an employment-related event, an event which creates an interest by an individual to seek a position and an occurrence of a recruitment initiating event.

¹² Source, as visited on January 27, 2021: https://kellyservices.force.com/kellycareernetwork/s/search-results?c__jobpostid=US15RGPF_BH3317490&language=en_US&rx_p=&utm_campaign=unpaid_b2c_always-on&rx_ts=&utm_medium=kelly-site-referral&rx_group=&source=&rx_source=&rx_job=&c__keyword=analyst&c__Location=94027&rx_medium=&rx_campaign=&c__Radius=&rx_a=&rx_paid=&c__jobid=a7V2E0000005VY8UAM&utm_source=kelly-us&utm_content=green-bar_kenlink_&rx_c

46. Upon information and belief, Defendant's Accused Instrumentalities are utilized on or over at least one of the Internet, the World Wide Web, and a wireless communication network.
47. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '194 Patent.
48. To the extent Defendant continues, and has continued, its infringing activities noted above in an infringing manner post-notice of the '194 Patent, such infringement is necessarily willful and deliberate. Plaintiff believes and contends that Defendant's continuance of its clear and inexcusable infringement of the '194 Patent post-notice is willful, wanton, malicious, bad-faith, deliberate, and/or consciously wrongful.
49. On information and belief, Defendant has a policy or practice of not reviewing the patents of others. Further on information and belief, Defendant instructs its employees to not review the patents of others for clearance or to assess infringement thereof. As such, Defendant has been willfully blind to the patent rights of Plaintiff.
50. Including because of the foregoing, Plaintiff contends such activities by Defendant qualify this as an egregious case of misconduct beyond typical infringement, entitling Plaintiff to enhanced damages. Including based on the foregoing, Plaintiff requests an award enhanced damages, including treble damages, pursuant to 35 U.S.C. § 284.
51. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

COUNT II
Infringement of U.S. Patent No. 7,490,086

52. Plaintiff incorporates the above paragraphs by reference.

53. Defendant has been on actual notice of the '086 Patent at least as early as the date it received service of the Original Complaint in this litigation.
54. Upon information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.
55. Upon information and belief, Defendant has directly infringed and continues to directly infringe at least Claims 1, 5 and 14 of the '086 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.
56. Upon information and belief, the Accused Instrumentalities comprise an apparatus. For example, Defendant provides a web platform hosted on Defendant's server comprising infrastructure including, but not limited to, memory, processors, transmitters and/or receivers for the recruitment process where employers post jobs to hire candidates and candidates search for the available job opportunities in a given geographic location. To find jobs, candidates fill in the job title and the preferred geographic location (zip code) of the job. *See* ¶ 40 above.
57. Upon information and belief, Defendant's Accused Instrumentalities include a memory device, which stores information regarding at least one of a job opening, a position, an assignment, a contract, and a project, and further wherein the memory device stores information regarding a job search request or inquiry. For example, Kelly Services web platform hosted on Defendant's server comprises a storage to store and provide information regarding all available job opportunities ("a job opening, a position") from employers (Kelly Services' customers) to candidates searching for a job. The candidate searches for the job using job title and location and in response gets the list of all relevant job openings stored in storage at server. *See* ¶ 41 above.
58. Upon information and belief, Defendant's Accused Instrumentalities include a processing device, wherein the processing device processes the information regarding a job search request or inquiry

upon a detection of an occurrence of a searching event, wherein the searching event is an occurrence of at least one of a job posting by at least one employer or at least one hiring entity, a posting of new or revised data or information from at least one individual or a group of individuals, a news release of a business event, an employment-related event, an economic report, industry-specific news, an event which creates an interest by at least one employer or at least one hiring entity to fill a position, and an event which creates an interest by at least one individual to seek a position, wherein the processing device automatically detects the occurrence of the searching event, wherein the processing device utilizes the information regarding at least one of a job opening, a position, an assignment, a contract, and a project, stored in the memory device in processing the information regarding a job search request or inquiry, and further wherein the processing device generates a message containing the information regarding at least one of a job opening, a position, an assignment, a contract, and a project, wherein the message is responsive to the job search request or inquiry. For example, Kelly Services web platform hosted on Defendant's server comprises processors to process the candidate's search request for available jobs ("job search request"). To find jobs, candidates fill in the job title and the preferred geographic location of the job ("an employment-related event or an event which creates an interest by at least one individual to seek a position"). Further, Kelly Services allow candidate to change job title and geographic location ("a posting of new or revised data or information from at least one individual or a group of individuals"). Kelly Services platform utilizes the stored information regarding the available jobs from employers (Kelly Services' customers) and gives a relevant list of matching jobs to the candidate ("message is responsive to the job search request or inquiry") based on the job title and location. Each job in the list when clicked shows the information regarding that job ("a message containing information regarding at least one of a job opening"). See ¶ 42 above.

59. Upon information and belief, Defendant's Accused Instrumentalities include a transmitter for transmitting the message to a communication device associated with an individual, wherein the message is transmitted to the communication device in real-time. For example, after coming up with the result based on candidate's search, Defendant's server comprising transmitter transmits the result (list of available jobs) to a communication device such as laptop, smartphone and/or tablet associated with the candidate ("individual"). *See* ¶ 43 above.
60. As described above (*see* ¶¶ 41 and 56), the infringing apparatus comprises a memory device, which stores information regarding an individual available for at least one of applying for and interviewing for at least one of a job, a job opportunity, and a hiring need. Upon information and belief, such information is transmitted to the memory device of the infringing apparatus via a receiver (*i.e.*, one or more servers for the infringing apparatus). Further upon information and belief, such information originates from a communication device associated with the individual (via the related and/or linked web pages and mobile applications comprising the infringing apparatus), whereupon it is automatically received and stored by the infringing apparatus.
61. As described above (*see* ¶ 57), the infringing "searching event" is an occurrence of a posting of new or revised data or information from at least one individual or a group of individuals.
62. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '086 Patent.
63. To the extent Defendant continues, and has continued, its infringing activities noted above in an infringing manner post-notice of the '086 Patent, such infringement is necessarily willful and deliberate. Plaintiff believes and contends that Defendant's continuance of its clear and

inexcusable infringement of the '086 Patent post-notice is willful, wanton, malicious, bad-faith, deliberate, and/or consciously wrongful.

64. On information and belief, Defendant has a policy or practice of not reviewing the patents of others. Further on information and belief, Defendant instructs its employees to not review the patents of others for clearance or to assess infringement thereof. As such, Defendant has been willfully blind to the patent rights of Plaintiff.
65. Including because of the foregoing, Plaintiff contends such activities by Defendant qualify this as an egregious case of misconduct beyond typical infringement, entitling Plaintiff to enhanced damages. Including based on the foregoing, Plaintiff requests an award enhanced damages, including treble damages, pursuant to 35 U.S.C. § 284.
66. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

COUNT III
Infringement of U.S. Patent No. 9,152,943

67. Plaintiff incorporates the above paragraphs by reference.
68. Defendant has been on actual notice of the '943 Patent at least as early as the date it received service of the Original Complaint in this litigation.
69. Upon information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.
70. Upon information and belief, Defendant has directly infringed at least Claim 72 of the '943 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.
71. Upon information and belief, the Defendant performs and induces others to perform a computer-implemented method. For example, Defendant provides a web platform hosted on Defendant's server comprising infrastructure For example, Defendant provides a web platform hosted on Defendant's server comprising infrastructure including but not limited to memory, processors,

transmitters and/or receivers for the recruitment process (“computer-implemented method”) where employers post jobs to hire the candidates and candidates search for the available job opportunities in a given geographic location. To find jobs, candidates fill in the job title and the preferred geographic location (zip code) of the job. *See* ¶ 40 above.

72. Upon information and belief, Defendant performs and induces others to perform the step of processing, with a processing device or with a computer, information regarding a search request of an individual, an independent contractor, a temporary worker, or a freelancer, using information stored in a database or in a memory device, wherein the information stored in the database or in the memory device includes information regarding a job opening, an employment opportunity, a position, an assignment, a contract, or a project, posted by an employer or a hiring entity. For example, Kelly Services web platform hosted on Defendant’s server comprises processors to process the candidate’s search request for available jobs (“search request of an individual, an independent contractor, a temporary worker, or a freelancer”). To find jobs, candidates fill in the job title and the preferred geographic location of the job. Kelly Services platform utilizes the stored information regarding the available job openings from employers (Kelly Services’ customers) and gives a relevant list of matching jobs to the candidate based on the job title and location. *See* ¶ 42 above.
73. Upon information and belief, Defendant performs and induces others to perform a step of generating, with the processing device or with the computer, a message containing information regarding a job opening, an employment opportunity, a position, an assignment, a contract, or a project. For example, Kelly Services web platform hosted on Defendant’s server comprises processors to generate a search result list (“message”) in response to candidate’s search request for available jobs. Each job in the list when clicked shows the information regarding that job including

but not limited to work type, employment type, location, job description and career level (“message containing information regarding a job opening, an employment opportunity, a position, an assignment, a contract, or a project”). *See* ¶ 42 above.

74. Upon information and belief, Defendant performs and induces others to perform transmitting, with or from a transmitter, the processing device, or the computer, the message to a communication device, wherein the communication device is associated with or used by the individual, the independent contractor, the temporary worker, or the freelancer. *See* ¶ 43 above.
75. Upon information and belief, Defendant performs and induces others to perform the step of storing, in the database or in the memory device, information regarding an interview, an interview process, a screening process, or a recruitment process, involving the individual, the independent contractor, the temporary worker, or the freelancer, and the employer or the hiring entity, wherein the information regarding the interview, the interview process, the screening process, or the recruitment process, includes information regarding a deal reached between the individual, the independent contractor, the temporary worker, or the freelancer, and the employer or the hiring entity, an offer, a counteroffer, a rejected offer, a rejected counteroffer, a time and a date of a consideration of the individual, the independent contractor, the temporary worker, or the freelancer, or a note made by the individual, the independent contractor, the temporary worker, or the freelancer, or a note made by the employer or the hiring entity. *See* ¶¶ 40 and 41 above. *See also* Figure 13 below.

	What personal data we collect	The reason we use your personal data
1	<p>Information you provide to us as part of the registration process and our relationship with you when you engage us to provide recruitment or job-matching services whether provided online, in-person, or by telephone, including:</p> <ul style="list-style-type: none"> • Name and contact information – including: postal address, e-mail address, telephone number, and other similar contact data. • Education, work history, and qualifications – including 	<p>We use this personal data:</p> <ul style="list-style-type: none"> • to create, manage, and administer the individual's relationship with us; • to assess an individual's suitability for employment and employ individuals; • to match candidates with potential positions; • to offer candidates placement at our customers; • to refer an individual for employment to one of our customers; • to provide general work-seeking services to individuals; • to meet our obligations when acting as an employer in connection with the contract of employment and other obligations which apply to us under applicable employment laws;

Figure 13¹³

76. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '943 Patent.
77. To the extent Defendant continues, and has continued, its infringing activities noted above in an infringing manner post-notice of the '943 Patent, such infringement is necessarily willful and deliberate. Plaintiff believes and contends that Defendant's continuance of its clear and inexcusable infringement of the '943 Patent post-notice is willful, wanton, malicious, bad-faith, deliberate, and/or consciously wrongful.
78. On information and belief, Defendant has a policy or practice of not reviewing the patents of others. Further on information and belief, Defendant instructs its employees to not review the patents of others for clearance or to assess infringement thereof. As such, Defendant has been willfully blind to the patent rights of Plaintiff.

¹³ Source, as visited on January 28, 2021: https://www.kellyservices.com/global/siteassets/3-kelly-global-services/uploadedfiles/3-kelly_global_services/content/sectionless_pages/privacy20statement_eng.pdf (page 2)

79. Including because of the foregoing, Plaintiff contends such activities by Defendant qualify this as an egregious case of misconduct beyond typical infringement, entitling Plaintiff to enhanced damages. Including based on the foregoing, Plaintiff requests an award enhanced damages, including treble damages, pursuant to 35 U.S.C. § 284.
80. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, GreatGigz Solutions, LLC respectfully requests the Court enter judgment against Defendant as follows:

1. Declaring that Defendant has infringed each of the Asserted Patents;
2. Awarding GreatGigz Solutions, LLC its damages suffered because of Defendant's infringement of the Asserted Patents;
3. Awarding GreatGigz Solutions, LLC its costs, attorneys' fees, expenses, and interest;
4. Awarding GreatGigz Solutions, LLC ongoing post-trial royalties; and
5. Granting GreatGigz Solutions, LLC such further relief as the Court finds appropriate.

JURY DEMAND

GreatGigz Solutions, LLC demands trial by jury, under Fed. R. Civ. P. 38.

Dated: May 5, 2021

Respectfully Submitted

/s/ René A. Vazquez

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