

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2010 AUG 30 P 12: 09

CIVIX-DDI, LLC,

Plaintiff,

v.

METROPOLITAN REGIONAL
INFORMATION SYSTEMS, INC.

Defendant.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Case No.

2:10CV433
RGD/FBS

COMPLAINT

Plaintiff, CIVIX-DDI, LLC (“CIVIX”) brings this Complaint against the defendant METROPOLITAN REGIONAL INFORMATION SYSTEMS, INC. (“MRIS”) as follows:

THE PARTIES

1. CIVIX is a Colorado limited liability company having its principal place of business at 1220 Prince Street, Alexandria, Virginia 22314.

2. MRIS, headquartered in Rockville, MD, is a leading provider of real estate information technology and the largest multiple listing service in the nation. MRIS serves approximately 45,000 real estate professionals spanning the Mid-Atlantic region including Virginia and Washington D.C.

3. MRIS is owned by 25 DC-area Boards of Realtors including the Dulles Area Association of REALTORS®, Inc., covering Loudoun County; Fredericksburg Area Association of REALTORS® (FAAR) covering the counties of Stafford, Spottsylvania, Fredericksburg City, and Caroline County; the Greater Piedmont Area Association of REALTORS® (GPAAR) covering Fauquier and Rappahannock County; Northern Virginia Association of REALTORS® (NVAR), covering Fairfax County, Arlington, Fairfax City, Alexandria, VA; Prince William

Association of REALTORS® (PWAR), covering Prince William County; and the Virginia Association of REALTORS® PAR, covering all Virginia sites.

4. MRIS is a leading provider of real estate information technology, and the largest multiple listing service in the nation. MRIS offers a portfolio of technology solutions, broker and agent software products for the residential and commercial real estate markets and an industry-leading consumer portal, HomesDatabase.com.

5. MRIS operates the homesdatabase.com website, the cie360.com website, and related URLs that provide, among other things, access to location based searching services for real estate listings in the Mid-Atlantic area, and which are regularly used throughout these areas, including in this judicial district by persons who reside in Virginia and in this district.

6. MRIS also develops, offers and provides a portfolio of database search technology tools within its Matrix, Matrix Wireless and Keystone product line. These tools are licensed to and used by MRIS' 45,000 real estate professionals spanning the Mid-Atlantic region including Virginia and this judicial district.

7. Approximately 16,000 subscribers to MRIS' Matrix and Keystone search technology tools work in this judicial district and use those tools within this judicial district.

8. MRIS' subscribers include some of the largest real estate brokers in Virginia including Long & Foster Real Estate Company, Weichert Realtors, and Prudential Carruthers Realtors, each of which maintains offices in this judicial district and uses the Matrix and Keystone search technology tools in this judicial district.

9. MRIS maintains a property database of approximately 61,000 active residential listings, approximately 25% of which are residential listings for homes in this judicial district. These listings are searchable through the highly interactive location based search technology available through the HomesDatabase.com website.

JURISDICTION AND VENUE

10. This is a complaint for patent infringement under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. § 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

PATENT INFRINGEMENT

11. CIVIX owns full right, title and interest in and has the sole and exclusive right to enforce and has standing to sue and recover damages for infringement of U.S. Patent No. 6,385,622 ("the '622 patent"), entitled "System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database" (Exhibit A); and U.S. Patent No. 6,415,291 ("the '291 patent"), entitled "System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database" (Exhibit B). The '622, and the '291 patents ultimately derive from U.S. Patent Application No. 08 371,425, filed on January 11, 1995.

12. The '622 patent was issued by the United States Patent and Trademark Office on May 7, 2002. An Ex Parte Reexamination Certificate issued on September 22, 2009, confirming the patentability of claims 20 and 26.

13. The '291 patent was issued by the United States Patent and Trademark Office on July 2, 2002. An Ex Parte Reexamination Certificate issued on September 8, 2009, confirming the patentability of claims 8, 11-13, 16-19, 22 and 23.

14. MRIS has infringed at least claims 20 and 26 of the '622 patent and at least claims 8, 17, 18 and 22 of the '291 patent under 35 U.S.C. § 271(a) by making offering and using certain location-based searching systems and services through its Matrix, Matrix Wireless and Keystone technology.

15. MRIS has infringed at least claims 20 and 26 of the '622 patent and at least claims 8, 17, 18 and 22 of the '291 patent under 35 U.S.C. § 271(a) by making offering and using

certain location-based searching systems and services through its HomesDatabase.com and CIE360.com web sites and, upon information and belief, other related URLs.

16. MRIS has committed these acts of infringement throughout Virginia and other Mid-Atlantic states, including in this judicial district.

17. Upon information and belief, MRIS has also actively induced third parties, including realtor members and other users of the HomesDatabase.com and CIE360.com websites and, upon information and belief, other related URLs, to infringe at least claims 20 and 26 of the '622 patent and at least claims 8, 17, 18 and 22 of the '291 patent under 35 U.S.C. § 271(b) by providing, operating and/or promoting and assisting in the use of certain location-based searching systems which MRIS makes available through these websites.

18. CIVIX has granted license and other rights under the '622 patent and the '291 patent to third parties. However, MRIS' infringing activities are not immunized by any of these licenses or other rights.

19. Prior to this action, MRIS was aware of the '622 patent and the '291 patent, and had actual notice of CIVIX's infringement claims.

20. CIVIX has been injured by the infringement caused by MRIS and is entitled to damages adequate to compensate it for all the infringement that has occurred. The unlawful acts of infringement of the claims of the '622, and '291 patents by MRIS will continue unless enjoined by this Court.

REQUESTED RELIEF

WHEREFORE, CIVIX requests that a judgment be entered as follows:

- A. A finding that MRIS has infringed the '622 patent and the '291 patent;
- B. An injunction prohibiting MRIS, and all those acting in concert or participation with MRIS, from further acts of infringement of the '622 patent and the '291 patent;

C. An award to CIVIX of such damages as it can prove at trial against MRIS sufficient to fully and adequately compensate it for the acts of infringement that have occurred, said damages to be no less than a reasonable royalty;

D. An award to CIVIX for any damages so determined that are found for willful infringement, pursuant to 35 U.S.C. § 284, together with prejudgment interest;

E. An award to CIVIX of costs and its reasonable attorneys' fees; and

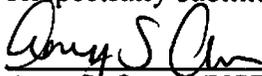
F. Such other relief as this Court and the jury may determine to be proper and just.

JURY DEMAND

A trial by jury is hereby demanded on all issues triable to a jury in this case.

Dated: August 30, 2010

Respectfully submitted,



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