

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

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WhitServe LLC,	:	Civil Action No.
	:	
Plaintiff,	:	
	:	
v.	:	JURY DEMAND
	:	
GoDaddy.com, Inc.; and Zygo Corp.,	:	
	:	
Defendants.	:	
	:	
	-----X	

COMPLAINT FOR INFRINGEMENT OF PATENTS

Plaintiff WhitServe LLC alleges as follows for its complaint against Defendants:

Nature of the Action

1. This is a civil action arising under the Patent Laws of the United States, particularly 35 U.S.C. § 271 et seq., and seeking injunctive relief and damages under 35 U.S.C. §§ 283 – 285.

The Parties

2. WhitServe LLC (“WhitServe”) is a limited liability corporation having a place of business at 986 Bedford Street, Stamford, CT 06905-5619, USA.

3. On information and belief, GoDaddy.com, Inc. (“GoDaddy”) is an Arizona corporation with its principal place of business located at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona 85260

4. On information and belief, Zygo Corp. (“Zygo”) is a Connecticut corporation with its

principal place of business located at Laurel Brook Rd., Middlefield, CT 06455.

Jurisdiction and Venue

5. This action is for damages and injunctive relief from patent infringement and arises under the United States Patent Laws, particularly 35 U.S.C. §271 et seq. Subject matter jurisdiction is based on 28 U.S.C. §1338. Venue is based on 28 U.S.C. §1391(c).

6. On information and belief, GoDaddy transacts and does business in this District by, *inter alia*, having offered for sale, having sold, continuing to offer for sale, and/or continuing to sell infringing products and/or services in this District.

7. On information and belief, GoDaddy maintains a web page, www.GoDaddy.com, which is visited by customers and potential customers in this District.

8. Venue is proper with regard to GoDaddy because it has submitted itself to personal jurisdiction in this District by its systematic and continuous contacts with this District.

9. Venue is proper with regard to Zygo because it is a Connecticut entity headquartered in this District and has submitted itself to personal jurisdiction in this District.

The Patents

10. WhitServe is the owner of the entire right, title and interest in and to United States Patent No. 5,895,468 ("the '468 patent"), entitled "System Automating Delivery Of Professional Services," which was duly and legally issued by the United States Patent and Trademark Office on April 20, 1999 in the name of the inventor, Wesley W. Whitmyer, Jr.

11. WhitServe is also the owner of the entire right, title and interest in and to United States Patent No. 6,182,078 ("the '078 patent"), entitled "System For Delivering Professional Services Over

The Internet,” which was duly and legally issued by the United States Patent and Trademark Office on January 30, 2001 in the name of the inventor, Wesley W. Whitmyer, Jr.

12. The ‘468 and ‘078 patents are referred collectively herein as the “WhitServe patents.”

13. The WhitServe patents have been non-exclusively licensed for patent and trademark maintenance to companies that have recognized the value of the WhitServe patents and use WhitServe’s patented technology in their businesses.

14. WhitServe brought suit against Computer Packages, Inc. in 2006 in Connecticut District Court, alleging infringement of the WhitServe patents. WhitServe LLC v. Computer Packages, Inc., No. 3:06CV01935 (D. Conn. filed Nov. 30, 2006). After a trial concluded May 25, 2010, a jury and court found that WhitServe patents were valid, enforceable, and willfully infringed.

COUNT I – Infringement of the WhitServe Patents

15. On information and belief, defendants have been and still are directly infringing, contributing to and/or inducing infringement of the WhitServe patents pursuant to 35 U.S.C. § 271 *et seq.* by making, selling, offering for sale, importing, supplying, supplying a component of, causing the supply of a component of, importing the product of and/or using services and related products and/or services without the authorization of WhitServe.

16. On information and belief, GoDaddy maintains the web page www.GoDaddy.com, where it offers its products and services for sale. On information and belief, GoDaddy’s software products and services include My Renewals.

17. On information and belief, My Renewals enables GoDaddy to manage its domain names and services over the Internet. On information and belief, My Renewals sends reminders to customers

over the Internet of upcoming payment deadlines for the renewal of domain names and services. On information and belief, GoDaddy's customers can instruct payments through My Renewals for the renewal of domain names and services over the Internet. On information and belief, GoDaddy receives payment for the renewal of domain names and services upon receiving customer instructions through My Renewals and submits payment information to a customer's bank, credit card company, or PayPal account. Upon information and belief, GoDaddy sends customers payment confirmation over the Internet by web page and by email.

18. On information and belief, GoDaddy infringes claims of the WhitServe patents as alleged below with reference to attached Exhibits 1-15. The allegations are based on WhitServe's current understanding of GoDaddy's products and services and WhitServe reserves to the right to amend them as more information becomes available to it.

19. With regard to claim 1 of the '468 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders relating to expiring domains or services. On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy generates a response form, "My Renewals," based in part upon the retrieved client reminders. On information and belief, the response form displays a client's domains and or services expiring within 90 days (default). On information and belief, the response form has options for client instructions, for example, "Renew All," "Auto-Renew," and "Renewal Length." On information and belief, the client response form allows a GoDaddy customer to respond to a client reminder, such as by renewing an

expiring domain or related service. (Ex. 3-9.) On information and belief, the computer server is connected to the Internet through a communication link. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the response form through the communication link to the client. (Ex. 3-9.) On information and belief, a user enters instructions on the response form, for example, “Auto-Renew,” “Renew All,” and the “Renewal Length.” On information and belief, a user can also submit payment information. On information and belief, the computer server automatically receives the reply to the response form, permitting a GoDaddy customer to, for example, renew an expiring domain or related service. (Ex. 3-12.)

20. With regard to claim 2 of the ‘468 patent, on information and belief, GoDaddy automatically generates a response based on the reply and automatically transmits the response to a third party, for example, a request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc. (Ex. 12.)

21. With regard to claim 3 of the ‘468 patent, on information and belief, GoDaddy’s computer server automatically updates the database based on the received reply. (Ex. 15.)

22. With regard to claim 4 of the ‘468 patent, on information and belief, GoDaddy automatically generates a confirmation and automatically transmits the confirmation to the client through the communication link. (Ex. 13-14.)

23. With regard to claim 5 of the ‘468 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders, each client reminder including a matter identification and the type of reminder identification (e.g. “My Domains” and “My Products”). On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically

queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy maintains a client information database that contains a plurality of client information, including a client's name, address, email address, credit card information, etc. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the client information database by the matter identification number to retrieve client information. (Ex. 3-9.) On information and belief, GoDaddy has a forms database containing a plurality of response forms. For example, on information and belief, the client can select between the My Domains and My Products response forms and whether to show the columns for Privacy, Renewal Length, and Auto-Renew. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the forms database by the type of reminder identification to retrieve a response form. (Ex. 3-9.) On information and belief, GoDaddy automatically merges the date and the client information with the response form. (Ex. 3-9.) On information and belief, the computer server is connected to the Internet through a communication link. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the response form through the communication link to the client. (Ex. 3-9.) On information and belief, a user enters instructions on the response form, for example, "Auto-Renew," "Renew All," and the "Renewal Length." On information and belief, a user can also submit payment information. On information and belief, the computer server automatically receives the reply to the response form. (Ex. 3-9.)

24. With regard to claim 6 of the '468 patent, on information and belief, GoDaddy automatically generates a response based on the reply and transmits request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc. (Ex. 12.)

25. With regard to claim 7 of the '468 patent, on information and belief, GoDaddy's

computer server automatically updates the database based on the received reply. (Ex. 15.)

26. With regard to claim 8 of the '468 patent, on information and belief, GoDaddy automatically generates a confirmation and automatically transmits the confirmation to the client through the communication link. (Ex. 13-14.)

27. With regard to claim 9 of the '468 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders relating to expiring domains or services. On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy generates a response form, "My Renewals," based in part upon the retrieved client reminders. On information and belief, the response form displays a client's domains and or services expiring within 90 days (default). On information and belief, the response form has options for client instructions, for example, "Renew All," "Auto-Renew," and "Renewal Length." On information and belief, a notice in the form of an email is automatically generated based on the retrieved client reminder and the notice contains a URL to the Login Page which goes directly to My Renewals. On information and belief, a notice is automatically generated based on the retrieved client reminder, the notice contains a URL and is displayed on the GoDaddy webpage. (Ex. 1-9.) On information and belief, GoDaddy's computer includes a web server. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the client response form to the web server and automatically sends the notice to the client. (Ex. 1-9.) On information and belief, when the URL is selected in the notice, the web server automatically sends the response form to the client. On information and belief, the user enters the instructions on the response

form, including whether to “Auto-Renew,” “Renew All,” and the “Renewal Length,” and is then allowed to submit payment information. On information and belief, the web server automatically receives the reply to the response form. (Ex. 1-9.)

28. With regard to claim 10 of the ‘468 patent, on information and belief, GoDaddy automatically generates a response based on the reply and automatically transmits the response to a third party, for example, a request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc. (Ex. 12.)

29. With regard to claim 11 of the ‘468 patent, on information and belief, GoDaddy has software executing on the web server that automatically updates the database based on the received reply. (Ex. 15.)

30. With regard to claim 12 of the ‘468 patent, on information and belief, GoDaddy automatically generates a confirmation and automatically transmits the confirmation to the client. (Ex. 13-14.)

31. With regard to claim 13 of the ‘468 patent, on information and belief, GoDaddy automatically generates a notice of reply based on the reply, and the web server automatically transmits the notice of reply to the computer. On information and belief, the computer automatically receives the notice of reply from the web server.

32. With regard to claim 14 of the ‘468 patent, on information and belief, GoDaddy automatically generates a response based on the notice of reply, and automatically transmits the response to a third party, for example, a request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc.

33. With regard to claim 15 of the ‘468 patent, on information and belief, GoDaddy

automatically updates the database based on the notice of reply.

34. With regard to claim 16 of the '468 patent, on information and belief, GoDaddy automatically generates a confirmation based on the notice of reply, and automatically transmits the confirmation to the client.

35. With regard to claim 17 of the '468 patent, on information and belief, GoDaddy maintains a database that stores client reminders, each client reminder including a matter identification and the type of reminder identification (e.g. "My Domains" and "My Products"). On information and belief, each client reminder includes a date field. On information and belief, GoDaddy generates a response form, "My Renewals," based in part upon the retrieved client reminders. On information and belief, the response form displays a client's domains and/or services expiring within 90 days (default). On information and belief, the response form has options for client instructions, for example, "Renew All," "Auto-Renew," and "Renewal Length." On information and belief, a notice in the form of an email is automatically generated based on the retrieved client reminder and the notice contains a URL to the Login Page which goes directly to My Renewals. On information and belief, a notice is automatically generated based on the retrieved client reminder, the notice contains a URL and is displayed on the GoDaddy webpage. (Ex. 1-9.) On information and belief, GoDaddy maintains a client information database that contains a plurality of client information, including a client's name, address, email address, credit card information, etc. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the client information database by the matter identification number to retrieve client information. (Ex. 3-9.) On information and belief, GoDaddy has a forms database containing a plurality of response forms. For example, on information and belief, the client can select between the My Domains and My Products response forms and whether to show the columns for Privacy, Renewal

Length, and Auto-Renew. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the forms database by the type of reminder identification to retrieve a response form. (Ex. 3-9.) On information and belief, GoDaddy automatically merges the date and the client information with the response form. (Ex. 3-9.) On information and belief, GoDaddy automatically merges the date and the client information with a notice, the notice contains a URL. (Ex. 1-9.)

36. With regard to claim 18 of the '468 patent, on information and belief, the reply to the response form contains an action type and an action request. On information and belief, GoDaddy has an action forms database containing a plurality of action forms. On information and belief, GoDaddy automatically queries the action forms database by the action type to retrieve an action form, automatically merges the action request with the action form, and automatically transmits the action form to a third party, for example, a request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc.

37. With regard to claim 19 of the '468 patent, on information and belief, GoDaddy automatically updates the docket database based on the reply.

38. With regard to claim 20 of the '468 patent, on information and belief, GoDaddy automatically generates a confirmation based on the reply, and automatically transmits the confirmation to the client.

39. With regard to claim 21 of the '468 patent, on information and belief, GoDaddy automatically generates a notice of reply containing an action type and an action request, and the web server automatically transmits the notice of reply to the computer. On information and belief, GoDaddy has an action forms database containing a plurality of action forms. On information and belief, GoDaddy automatically receives the notice of reply from the web server, automatically queries the

action forms database by the action type to retrieve an action form, automatically merges the action request with the action form, and automatically transmits the action form to a third party, for example, a request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc.

40. With regard to claim 22 of the '468 patent, on information and belief, GoDaddy automatically updates the docket database based on the notice of reply.

41. With regard to claim 23 of the '468 patent, on information and belief, GoDaddy automatically generates a confirmation based on the notice of reply, and automatically transmits the confirmation to the client.

42. With regard to claim 24 of the '468 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders relating to expiring domains or services. On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy generates a response form, "My Renewals," based in part upon the retrieved client reminders. On information and belief, the response form displays a client's domains and or services expiring within 90 days (default). On information and belief, the response form has options for client instructions, for example, "Renew All," "Auto-Renew," and "Renewal Length." (Ex. 3-9.) On information and belief, the computer server is connected to the Internet through a communication link. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the response form through the communication link to the client. (Ex. 3-9.) On information and belief, a user enters instructions on the response form, for example, "Auto-Renew," "Renew All," and the "Renewal Length." On information and belief, a

user can also submit payment information. On information and belief, the computer server automatically receives the reply to the response form. (Ex. 3-9.)

43. With regard to claim 25 of the '468 patent, on information and belief, GoDaddy automatically generates a response based on the reply. On information and belief, GoDaddy automatically transmits the response to a third party, for example, a request for payment from 3rd Party Bank, Credit Card Company, PayPal, etc. (Ex. 12.)

44. With regard to claim 26 of the '468 patent, on information and belief, GoDaddy's computer server automatically updates the database based on the received reply. (Ex. 15.)

45. With regard to claim 27 of the '468 patent, on information and belief, GoDaddy automatically generates a confirmation. On information and belief, GoDaddy automatically transmits the confirmation to the client through the communication link. (Ex. 13-14.)

46. With regard to claim 1 of the '078 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders relating to expiring domains or services. On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy generates a form, "My Renewals," based in part upon the retrieved client reminders. On information and belief, the form displays a client's domains and or services expiring within 90 days (default). On information and belief, the form has options for client instructions, for example, "Renew All," "Auto-Renew," and "Renewal Length." (Ex. 3-9.) On information and belief, the computer server is connected to the Internet through a communication link. (Ex. 3-9.) On information and belief,

GoDaddy automatically transmits the form through the communication link.

47. With regard to claim 2 of the '078 patent, on information and belief, a notice in the form of an email is automatically generated based on the retrieved client reminder and emailed to a GoDaddy customer. (Ex. 1-2.)

48. With regard to claim 3 of the '078 patent, on information and belief, customers login to the GoDaddy website and go directly to My Renewals. On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and presents them to the customer. (Ex. 3-9.)

49. With regard to claim 4 of the '078 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders, each client reminder including a matter identification and the type of reminder identification (e.g. "My Domains" and "My Products"). On information and belief, each client reminder includes a date field. On information and belief, the docket database allows GoDaddy to, for example, send reminders to its customers of upcoming expirations of domains and related services. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy maintains a client information database that contains a plurality of client information, including a client's name, address, email address, credit card information, etc. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the client information database by the matter identification number to retrieve client information. (Ex. 3-9.) On information and belief, GoDaddy has a forms database containing a plurality of response forms. For example, on information and belief, the client can select between the

My Domains and My Products response forms and whether to show the columns for Privacy, Renewal Length, and Auto-Renew. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the forms database by the type of reminder identification to retrieve a form. (Ex. 3-9.) On information and belief, GoDaddy automatically merges the date and the client information with the form. (Ex. 3-9.) On information and belief, the computer server is connected to the Internet through a communication link. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the form through the communication link. (Ex. 3-9.)

50. With regard to claim 5 of the '078 patent, on information and belief, a notice in the form of an email is automatically generated based on the retrieved client reminder and emailed to a GoDaddy customer. (Ex. 1-2.)

51. With regard to claim 6 of the '078 patent, on information and belief, customers login to the GoDaddy website and go directly to My Renewals. On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and presents them to a customer. (Ex. 3-9.)

52. With regard to claim 7 of the '078 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders relating to expiring domains or services. On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy generates a response form, "My Renewals," based in part upon the retrieved client reminders. On information and belief, the response form displays a client's domains and or services expiring within 90

days (default). On information and belief, the response form has options for client instructions, for example, “Renew All,” “Auto-Renew,” and “Renewal Length.” On information and belief, a notice in the form of an email is automatically generated based on the retrieved client reminder, the notice contains a URL to the Login Page which goes directly to My Renewals. On information and belief, a notice is automatically generated based on the retrieved client reminder, the notice contains a URL and is displayed on the GoDaddy webpage. (Ex. 1-9.) On information and belief, GoDaddy’s computer includes a web server. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the form to the web server and automatically sends the notice. (Ex. 1-9.) On information and belief, when the URL is selected in the notice, the web server automatically sends the form. (Ex. 1-9.)

53. With regard to claim 8 of the ‘078 patent, on information and belief, the notice is an email message. (Ex. 1-2.)

54. With regard to claim 9 of the ‘078 patent, on information and belief, GoDaddy.com is maintained on a computer server. (Ex. 3-9.) On information and belief, GoDaddy maintains a database that stores client reminders relating to expiring domains or services. On information and belief, each client reminder includes a date field. (Ex. 3-9.) On information and belief, GoDaddy automatically queries the database for domains or services expiring in 90 days (default) and retrieves the client reminders that correspond to the domain or service. (Ex. 3-9.) On information and belief, GoDaddy generates a form, “My Renewals,” based in part upon the retrieved client reminders. On information and belief, the form displays a client’s domains and or services expiring within 90 days (default). On information and belief, the form has options for client instructions, for example, “Renew All,” “Auto-Renew,” and “Renewal Length.” On information and belief, using the form, a GoDaddy customer can instruct GoDaddy in response to the client reminder to, for example, renew an expiring domain or

related service. (Ex. 3-9.) On information and belief, the computer server is connected to the Internet through a communication link. (Ex. 3-9.) On information and belief, GoDaddy automatically transmits the form through the communication link. (Ex. 3-9.)

55. With regard to claim 10 of the '078 patent, on information and belief, a notice in the form of an email is automatically generated based on the retrieved client reminder and emailed to a GoDaddy customer.

56. With regard to claim 11 of the '078 patent, on information and belief, GoDaddy generates a webpage. (Ex. 3-9.)

57. On information and belief, Zygo maintains the web page www.Zygo.com. On information and belief, Zygo infringes one or more claims of the WhitServe patents because it has used and continues to use GoDaddy's infringing products and services to maintain its web page.

58. Defendants' infringement continues in willful disregard of WhitServe's rights, making this case exceptional under 35 U.S.C. § 285.

59. WhitServe has been damaged by defendants' infringement of the WhitServe patents and claims all damages including, but not limited to, reasonable royalties.

60. The harm to WhitServe resulting from the infringing acts of defendants is irreparable, continuing, not fully compensable by money damages, and will continue unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, WhitServe prays for judgment as follows:

A. That a preliminary and permanent injunction be entered against defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from any further infringement of the WhitServe patents.

B. That WhitServe be awarded its damages, suffered by reason of the infringement by defendants, together with prejudgment interest.

C. That WhitServe be awarded enhanced damages pursuant to 35 U.S.C. § 284.

D. That this is an exceptional case pursuant to 35 U.S.C. § 285.

E. That WhitServe be awarded its attorneys' fees and costs.

F. That WhitServe be awarded any other and further relief that this Court may deem just and proper or otherwise permitted by law.

JURY DEMAND

WhitServe demands a trial by jury on all claims and issues so triable.

Respectfully submitted,
WhitServe LLC

Date: June 14, 2011

By: /s/ Gene S. Winter

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