

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AMIT JAIPURIA, PRADEEP JAIPURIA	'	
	'	Civil Action No. 6:11-cv-00066
Plaintiffs,	'	
	'	
v.	'	Judge: Leonard Davis
	'	
LINKEDIN CORPORATION,	'	
WHODOYOUKNOWAT LLC,	'	
HOOVER'S INC.	'	
	'	Jury Trial Demanded
Defendants	'	

PLAINTIFFS' FIRST AMENDED COMPLAINT

Pursuant to the Court's August 8, 2011 Order and Standard Docket Control Order,¹ Amit Jaipuria and Pradeep Jaipuria (collectively "Plaintiffs") file this First Amended Complaint against Defendants LinkedIn Corporation ("LinkedIn"), WhoDoYouKnowAt LLC ("WhoDoYouKnowAt") and Hoover's, Inc. ("Hoover's"), and for cause of action would state the following.

PARTIES

1. Plaintiffs Amit Jaipuria and Pradeep Jaipuria are citizens and residents of India.
2. Defendant LinkedIn, on information and belief, is a corporation organized under the laws of the state of Delaware. LinkedIn is doing business in Texas, and on information and belief, has a principal place of business at 2029 Stierlin Ctr., Mountain View, CA 94043. LinkedIn may be served with process by serving its registered agent, Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, DE 19808.

¹ The Court's Aug. 8, 2011 Order and Standard Docket Control Order states "4 days after Status Conference . . . Plaintiff shall join additional parties. It is not necessary to file a motion to join additional parties prior to this date." Dkt. No. 28, at 12. The Court held a status conference for this case on September 6, 2011. Dkt. No. 34 ("Status Conference held on 9/6/2011.")
1697228v1/012151

3. Defendant WhoDoYouKnowAt, on information and belief, is a corporation organized under the laws of Delaware, with its principal place of business at 325 N. St. Paul St., 35th Floor, Dallas, TX 75201.

4. Defendant Hoover's, on information and belief, is a corporation organized under the laws of Delaware, with its principal place of business at 5800 Airport Blvd., Austin, TX 78752. Hoover's may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201.

JURISDICTION AND VENUE

5. This is an action for violation of the patent laws of the United States, Title 35, United States Code, more particularly, 35 U.S.C. §§ 271 *et seq.* This Court has jurisdiction under 28 U.S.C. § 1338, 28 U.S.C. § 1331, and 28 U.S.C. § 1332. The amount in controversy exceeds \$75,000.00.

6. Venue is proper in this District based on 28 U.S.C. § 1391 and 1400, in that Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling Plaintiffs to relief. Defendants further contribute to and/or induce acts of infringement in this District.

7. Defendants have sufficient contacts with this judicial district and the state of Texas to subject them to the jurisdiction of this Court, as Defendants have in the past and continue to do business and commit acts of infringement in Texas and in this District.

8. Upon information and belief, Defendants WhoDoYouKnowAt and Hoover's maintain a principal place of business in Texas and regularly transact business in Texas and in this District.

9. Upon information and belief, officers and high-level employees of defendant WhoDoYouKnowAt are residents of this District and of Texas.

BACKGROUND

10. Plaintiffs Amit Jaipuria and Pradeep Jaipuria collectively own the intellectual property at issue here. Plaintiffs have devoted the better part of their professional careers to researching, developing and marketing strategies for creating and improving professional social media and networking technologies.

11. On June 11, 2001, Plaintiffs filed an application for what would become United States Patent No. 7,047,202 (“the ‘202 patent”) entitled “Method and Apparatus for Optimizing Networking Potential Using a Secured System for an Online Community.” The application claims the benefit of Provisional Patent Application No. 542/MAS/2000, filed in India on July 13, 2000.

12. On May 16, 2006, the United States Patent and Trademark office duly issued the ‘202 patent.

13. On December 13, 2005, Plaintiffs filed an application for what would become United States Patent No. 7,761,383 (“the ‘383 patent”) entitled “Method and Apparatus for Optimizing Networking Potential Using a Secured System for an Online Community.”

14. On July 20, 2010, the United States Patent and Trademark office duly issued the ‘383 patent. (The ‘202 and ‘383 patents are collectively referred to herein as “the Jaipuria patents.”)

15. In October 2007, Plaintiffs corresponded with high-level employees of Hoover’s, Inc., including David Mather and Jeffrey Guillot, regarding the ‘202 patent and then-pending application for the ‘383 patent, as well as the technology to which they applied.

16. In 2007 and 2008, Plaintiffs were approached by a number of companies, including LinkedIn, to license or purchase the ‘202 patent and pending applications, including the then-pending application for the ‘383 patent.

17. During these negotiations, high-level employees of LinkedIn, including LinkedIn's Senior Director of Product Management, had discussions with Plaintiffs regarding Plaintiffs technology, its patent protection and Plaintiffs' plans to further commercialize their patented technology to market, among other things, a computer implemented method for networking with contacts of people within groups or companies in a public online community.

18. In connection with these discussions, LinkedIn formally offered to purchase the '202 patent and pending applications for a combination of cash plus stock in LinkedIn Corporation.

19. Plaintiffs did not accept LinkedIn's offer to purchase the '202 patent and pending applications.

20. After Plaintiffs spoke with LinkedIn regarding their patented technology, an anonymous requester initiated a reexamination of the '202 patent before the United States Patent and Trademark Office (PTO). The anonymous requester cited multiple items of prior art in an attempt to convince the PTO that the '202 patent was invalid.

21. On May 19, 2009, the United States Patent and Trademark Office confirmed the validity of the '202 patent in reexamination.

22. On February 11, 2011, Plaintiffs filed an Original Complaint against LinkedIn and WhoDoYouKnowAt asserting patent infringement based on, among other things, those defendants' infringement of the '202 and '383 patents.

23. Subsequently, on February 24, 2011, Hoovers, Inc. announced the rollout of the Hoover's network and group network described herein.

24. Defendants have in the past and continue to make, use, offer to sell, import and sell systems that infringe the Jaipuria patents, and to perform and induce and contribute to the

performance of methods that infringe the Jaipuria patents. Defendants' infringement is and has been both direct and indirect.

25. Plaintiffs are entitled to a permanent injunction and damages as a result of Defendants' patent infringement, as further described below.

DEFENDANTS' INFRINGEMENT OF THE '202 PATENT

26. LinkedIn is in the business of making and selling products, services and systems that infringe the '202 patent. Specifically, LinkedIn offers and employs a system and method for networking in a public online community (hereafter referred to as "the LinkedIn network"). The LinkedIn network and associated services infringe the claims of the '202 patent.

27. LinkedIn has been and still is infringing the '202 patent by making, using, offering to sell and by selling software and services embodying the patented invention, and will continue to do so unless enjoined.

28. LinkedIn has been and still is infringing the '202 patent by actively inducing others, including end-users, to infringe and contributing to the infringement by others of the '202 patent with knowledge of the existence of the '202 patent and its infringement.

29. WhoDoYouKnowAt is in the business of making and selling products, services and software that infringe the '202 patent. Specifically, WhoDoYouKnowAt offers and employs a system and method for networking in a private online community (hereafter referred to as "the WhoDoYouKnowAt network"). The WhoDoYouKnowAt network and associated services infringe the claims of the '202 patent.

30. Upon information and belief, WhoDoYouKnowAt has been and still is infringing the '202 patent by actively inducing others, including end-users, to infringe and contributing to the

infringement by others of the '202 patent with knowledge of the existence of the '202 patent and its infringement.

31. In addition to offering its own system to WhoDoYouKnowAt end users/customers, WhoDoYouKnowAt also uses the LinkedIn network, which is a system and method for networking in a public online community. The LinkedIn network and associated services infringe the claims of the '202 patent, and WhoDoYouKnowAt's use of the same is infringing.

32. WhoDoYouKnowAt has been and still is infringing the '202 patent by making, using, offering to sell and by selling software embodying the patented invention, and will continue to do so unless enjoined.

33. Hoover's is in the business of making and selling products, services and software that infringe the '202 patent. Specifically, Hoover's offers and employs a system and method for networking in a public online community (hereafter referred to as "the Hoover's network"). Hoover's describes the Hoover's network as providing seamless integration between Hoover's information on 31 million companies and 37 million people with LinkedIn's professional network of business contacts, and is designed to give Hoover's subscribers an additional avenue for professional networking.

34. The Hoover's network and associated services infringe the claims of the '202 patent.

35. Hoover's has been and still is infringing the '202 patent by making, using, offering to sell and by selling systems and services embodying the patented invention, and will continue to do so unless enjoined.

36. Hoover's has been and still is infringing the '202 patent by actively inducing others, including end-users, to infringe and contributing to the infringement by others of the '202 patent.

37. Hoover's has long had knowledge of the existence of the Jaipuria patents and the technology to which they apply. For instance, Hoover's President, David Mather, and Executive Vice President of Product and Technology, Jeffrey Guillot, were informed of the '202 patent and then-pending application for the '383 patent, and the technology to which they apply on or about October 3, 2007.

38. In addition to offering its own system and services to Hoover's end users/customers, Hoover's also uses the LinkedIn network, which is a system and method for networking in a public online community. Hoover's has a company listing on the LinkedIn network with at least 374 active users identified. Hoover's employs and promotes the use of the LinkedIn network, including according to the methods outlined in claims 1-24, 29 and 43-47, which describes methods for networking in a public online community. The LinkedIn network and associated services infringe the claims of the '202 patent, and Hoover's use of the same is infringing.

39. Hoover's has been and still is infringing the '202 patent by making, using, offering to sell and by selling systems and services embodying the patented invention, and will continue to do so unless enjoined.

DEFENDANTS' INFRINGEMENT OF THE '383 PATENT

40. The preceding paragraphs are incorporated as if fully restated herein.

41. LinkedIn is in the business of making and selling products, services and software that infringe the '383 patent. Specifically, LinkedIn offers and employs a system and method for networking with contacts of people within groups or companies in a public online community (hereafter referred to as "the LinkedIn group network"). The LinkedIn group network and associated services infringe the claims of the '383 patent.

42. LinkedIn has been and still is infringing the '383 patent by making, using, offering to sell and by selling systems and services embodying the patented invention, and will continue to do so unless enjoined.

43. LinkedIn has been and still is infringing the '383 patent by actively inducing others, including end-users, to infringe and contributing to the infringement by others of the '383 patent with knowledge of the existence of the '383 patent and its infringement.

44. Hoover's is in the business of making and selling products, services and systems that infringe the '383 patent. Specifically, Hoover's offers and employs a system and method for networking with contacts of people within groups or companies in a public online community (hereafter referred to as "the Hoover's group network"). Hoover's describes the Hoover's group network as providing seamless integration between Hoover's information on 31 million companies and 37 million people with LinkedIn's professional network of business contacts, and is designed to give Hoover's subscribers an additional avenue for professional networking.

45. The Hoover's group network and associated services infringe the claims of the '383 patent.

46. Hoover's has been and still is infringing the '383 patent by making, using, offering to sell and by selling software and services embodying the patented invention, and will continue to do so unless enjoined.

47. Hoover's has been and still is infringing the '383 patent by actively inducing others, including end-users, to infringe and contributing to the infringement by others of the '383 patent. Hoover's has long had knowledge of the existence of the Jaipuria patents and the technology to which they apply. For instance, Hoover's President, David Mather, and Executive Vice President of

Product and Technology, Jeffrey Guillot, were informed of the '202 patent and then-pending application for the '383 patent, and the technology to which they apply on or about October 3, 2007.

48. In addition to offering its own system to Hoover's end users/customers, Hoover's also uses the LinkedIn group network, which is a system and method for networking with contacts of people within groups or companies in a public online community. Hoover's has a company listing on the LinkedIn network with at least 374 active users identified. Hoover's employs and promotes the use of the LinkedIn group network, including according to the methods outlined in claims 1-11 of the '383 patent. The LinkedIn group network and associated services infringe the claims of the '383 patent, and Hoover's use of the same is infringing.

49. Hoover's has been and still is infringing the '383 patent by making, using, offering to sell and by selling systems and services embodying the patented invention, and will continue to do so unless enjoined.

50. WhoDoYouKnowAt is in the business of making and selling products, services and systems that infringe the '383 patent. Specifically, WhoDoYouKnowAt offers and employs a system and method for networking with contacts of people within groups or companies in a private online community (hereafter referred to as "the WhoDoYouKnowAt group network"). The WhoDoYouKnowAt group network and associated services infringe the claims of the '383 patent.

51. In addition to offering its own system to WhoDoYouKnowAt end users/customers, WhoDoYouKnowAt also uses the LinkedIn group network, which is a system and method for networking with contacts of people within groups or companies in a public online community. The LinkedIn group network and associated services infringe the claims of the '383 patent, and WhoDoYouKnowAt's use of the same is infringing.

52. WhoDoYouKnowAt has been and still is infringing the '383 patent by making, using, offering to sell and by selling software embodying the patented invention, and will continue to do so unless enjoined.

53. Upon information and belief, WhoDoYouKnowAt has been and still is infringing the '383 patent by actively inducing others to infringe and contributing to the infringement by others of the '383 patent with knowledge of the existence of the '383 patent and its infringement.

DEMAND FOR TRIAL BY JURY

54. Plaintiffs demand a trial by jury.

CAUSES OF ACTION AGAINST DEFENDANTS

NO. 1 PATENT INFRINGEMENT – 35 U.S.C. §§ 271 AND 281.

55. Defendants have violated and continue to violate 35 U.S.C. § 271. Specifically, Defendants have in the past and continue to make, use, import, sell and offer to sell systems and services that infringe the claims of the Jaipuria patents.

56. Defendants have also contributed to and induced the infringement by others, including end-users, customers and clients, without a license under the patents.

57. Defendants' past and continued direct and indirect infringement of the Jaipuria patents has damaged Plaintiffs, entitling Plaintiffs to no less than a reasonable royalty extending throughout the life of the Jaipuria patents.

REMEDIES AND PRAYER

PERMANENT INJUNCTION -- 35 U.S.C. § 283

58. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

59. Because of Defendants' actions, Plaintiffs have suffered and will continue to suffer irreparable injury, for which the remedies available at law provide inadequate compensation. Defendants' infringement thus warrants a remedy in equity and such remedy will not disserve the public interest.

60. Accordingly, in addition to monetary damages, Plaintiffs also seek a permanent injunction to prevent Defendants' continued infringement of Plaintiffs' patents.

61. Unless enjoined, Defendants will continue to directly and indirectly infringe Plaintiffs' patents as described herein.

WILLFULNESS – ENHANCED DAMAGES

62. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

63. Upon information and belief, Defendants know and/or have known that the Jaipuria patents were duly issued to Plaintiffs and proceeded with an objectively reckless disregard for Plaintiffs' patent rights, and without a sound or good faith basis to believe they had the right to continue their unlicensed use of the infringing systems.

64. The '202 patent, termed by the media as the "Jaipuria patent," was hailed as a groundbreaking social networking patent, and reports describing the patent and the technology to which it applied were broadly circulated. This included reports explaining that the '202 patent was considered one of the most important patents related to social networking, and that it describes many of the fundamental workings of social networks, including creating an online social network including individual users and groups, accessing and using social networks via the Internet or wireless devices, and advanced user privacy features.

65. High-level representatives of LinkedIn attended meetings at which the Jaipuria patents were discussed. LinkedIn sought to purchase the '202 patent and then-pending '383 application in 2007 for a combination of cash plus stock in LinkedIn Corporation. LinkedIn ceased negotiations when an anonymous requester initiated a reexamination of the patents. The validity of the '202 patent has since been confirmed in the reexamination.

66. Despite numerous opportunities, LinkedIn has refused, either before or after the reexamination, to make any offer to license the Jaipuria patents, and has refused to make any reasonable offer to purchase the Jaipuria patents. Nor, upon information and belief, has LinkedIn made any attempt to avoid infringing the Jaipuria patents.

67. Defendant Hoover's, Inc. was aware of the existence of the '202 patent and then-pending application for the '383 patent, at least by virtue of Plaintiffs' correspondence describing the patents and the technology to which they apply to David Mather, Hoover's President, and Jeffrey Guillot, Hoover's Executive Vice President of Product and Technology, on or about October 3, 2007.

68. Upon information and belief defendant WhoDoYouKnowAt was aware of the existence of the '202 and '383 patents by virtue of the press and publications described above. WhoDoYouKnowAt was also made aware of the existence of the '202 and '383 patents with the filing of the Original Complaint.

69. As a result of Defendants' willful and deliberate misconduct, Plaintiffs seek an enhancement of their damages pursuant to 35 U.S.C. § 284.

ATTORNEYS' FEES

70. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

71. Because of Defendants' actions, Plaintiffs have been forced to retain counsel to enforce its rights.

72. Defendants' conduct makes this an exceptional case pursuant to 35 U.S.C. § 285.

73. Pursuant to 35 U.S.C. § 285, and to the maximum extent permitted by law, Plaintiffs seek the recovery of their reasonable and necessary attorneys' fees incurred in bringing this action.

PRAYER

WHEREFORE, Plaintiffs pray:

a. for a judgment that Defendants have been and continue to be infringing United States Letters Patent No. 7,047,202 and 7,761,383;

b. for a permanent injunction enjoining Defendants and all in privity with them from further infringement of the claims of United States Letters Patent No. 7,047,202 and 7,761,383;

c. for an award of damages from Defendants in an amount no less than a reasonable royalty extending over the life of the Jaipuria patents;

d. for a threefold increase of the damages from Defendants, or some lesser increase as the Court deems appropriate, based on Defendants' willful infringement;

e. for an award of the costs and expenses of this action and reasonable attorneys' fees herein incurred;

f. for pre- and post-judgment interest at the maximum allowable rate under the law; and

g. for such other and further relief as this Court may deem appropriate either at law or in equity.

Respectfully submitted,

SUSMAN GODFREY, L.L.P.

/s/ Lexie White _____

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 9th day of September, 2011, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Lexie White
Lexie White