

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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NORTHBROOK DIGITAL LLC,

Plaintiff,

v.

VENDIO SERVICES, INC.,

Defendant.

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Civil File No. 07-cv-2250 (PJS/JJG)

**SECOND AMENDED COMPLAINT**

**Jury Trial Demanded**

Plaintiff Northbrook Digital LLC, for its Second Amended Complaint against defendant Vendio Services, Inc., states and alleges as follows:

**Parties, Jurisdiction, and Venue**

1. Plaintiff is a limited liability company organized and existing under the laws of Minnesota, with a principal place of business in Woodbury, Minnesota. It is the owner of the patents in suit.

2. Defendant is a corporation organized and existing under the laws of Delaware, with a principal place of business in San Mateo, California. Defendant has distributed various versions of its Dealio toolbar and related software (the “Dealio software”) throughout the United States, including Minnesota.

3. This is a claim of patent infringement arising under 35 U.S.C. §§ 271 and 281, 283-285.

4. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper under 28 U.S.C. §§ 1391 and 1400(b), because defendant has distributed its infringing software to this district.

### **Background**

5. Some of the patents at issue in this case contain claims relating to communicating information on the Internet, and specifically, communicating information to users that is relevant to network resources, or web page content, that users are browsing on the World Wide Web. Defendant states that its Dealio software “automatically helps you find the best prices,” and “alerts you to the lowest prices available for the exact product you’re viewing.”

6. Other patents at issue in this case contain claims relating to efficiently displaying information about the interrelationships between documents. The Dealio web site “hosts consumer-posted bargains stemming from coupons, rebates, price matches, and more on virtually any product or service.”

7. Defendant has had actual knowledge of some or all of plaintiff’s patents, and its infringement is willful and deliberate.

### **COUNT ONE** **Infringement of U.S. Patent No. 6,292,813**

8. On September 18, 2001, United States Patent No. 6,292,813 (“the ‘813 patent”), entitled “System and Method for Communicating Information Relating to a Network Resource” was duly and legally issued to inventor Mark A. Wolfe. A true and correct copy of the ‘813 patent is attached hereto as Exhibit A. The ‘813 patent has been

assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the '813 patent.

9. Defendant is directly infringing the '813 patent by manufacturing, using, distributing, offering to sell, and/or selling its Dealio software, which is covered by the claims of the '813 patent, and is also infringing by inducing and contributing to such infringement by others.

10. Plaintiff has been damaged by defendant's infringement of the '813 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

**COUNT TWO**  
**Infringement of U.S. Patent No. 6,336,131**

11. On January 1, 2002, United States Patent No. 6,336,131 ("the '131 patent") entitled "System and Method for Communicating Information Relating to a Network Resource" was duly and legally issued to inventor Mark A. Wolfe. A true and correct copy of the '131 patent is attached hereto as Exhibit B. The '131 patent has been assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the '131 patent.

12. Defendant is directly infringing the '131 patent by manufacturing, using, distributing, offering to sell, and/or selling its Dealio software, which is covered by the claims of the '131 patent, and is also infringing by inducing and contributing to such infringement by others.

13. Plaintiff has been damaged by defendant's infringement of the '131 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

**COUNT THREE**  
**Infringement of U.S. Patent No. 6,341,305**

14. On January 22, 2002, United States Patent No. 6,341,305 ("the '305 patent") entitled "System and Method for Communicating Information Relating to a Network Resource" was duly and legally issued to inventor Mark A. Wolfe. A true and correct copy of the '305 patent is attached hereto as Exhibit C. The '305 patent has been assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the '305 patent.

15. Defendant is directly infringing the '305 patent by manufacturing, using, distributing, offering to sell, and/or selling its Dealio software, which is covered by the claims of the '305 patent, and is also infringing by inducing and contributing to such infringement by others.

16. Plaintiff has been damaged by defendant's infringement of the '305 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

**COUNT FOUR**  
**Infringement of U.S. Patent No. 7,043,526**

17. On May 9, 2006, United States Patent No. 7,043,526 ("the '526 patent") entitled "System and Method for Communicating Information Relating to a Network Resource" was duly and legally issued to inventor Mark A. Wolfe. A true and correct

copy of the '526 patent is attached hereto as Exhibit D. The '526 patent has been assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the '526 patent.

18. Defendant is directly infringing the '526 patent by manufacturing, using, distributing, offering to sell, and/or selling its Dealio software, which is covered by the claims of the '526 patent, and is also infringing by inducing and contributing to such infringement by others.

19. Plaintiff has been damaged by defendant's infringement of the '526 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

**COUNT FIVE**  
**Infringement of U.S. Patent No. 7,257,604**

20. On August 14, 2007, United States Patent No. 7,257,604 ("the '604 patent") entitled "System and Method for Communicating Information Relating to a Network Resource" was duly and legally issued to inventor Mark A. Wolfe. A true and correct copy of the '604 patent is attached hereto as Exhibit E. The '604 patent has been assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the '604 patent.

21. Defendant is directly infringing the '604 patent by manufacturing, using, distributing, offering to sell, and/or selling its Dealio software, which is covered by the claims of the '604 patent, and is also infringing by inducing and contributing to such infringement by others.

22. Plaintiff has been damaged by defendant's infringement of the '604 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

**COUNT SIX**  
**Infringement of U.S. Patent No. 7,246,310**

23. On July 17, 2007, United States Patent No. 7,246,310 ("the '310 patent") entitled "Efficiently Displaying and Researching Information about the Interrelationships Between Documents," was duly and legally issued to inventor Mark A. Wolfe. A true and correct copy of the '310 patent is attached hereto as Exhibit F. The '310 patent has been assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the '310 patent.

24. Defendant is directly infringing the '310 patent by creating, using, and/or operating its Dealio web site and/or by making, using, distributing, offering to sell, and/or selling products at the Dealio web site in a manner that infringes the claims of the '310 patent. Defendant is also infringing by inducing and contributing to such infringement by others.

25. Plaintiff has been damaged by defendant's infringement of the '310 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

**COUNT SEVEN**  
**Infringement of U.S. Patent No. 7,302,638**

26. On November 27, 2007, United States Patent No. 7,302,638 ("the '638 patent") entitled "Efficiently Displaying and Researching Information about the

Interrelationships Between Documents,” was duly and legally issued to inventor Mark A. Wolfe. A true and correct copy of the ‘638 patent is attached hereto as Exhibit G. The ‘638 patent has been assigned to plaintiff, which is now the owner of the entire right, title and interest in and to the ‘638 patent.

27. Defendant is directly infringing the ‘638 patent by creating, using, and/or operating its Dealio web site and/or by making, using, distributing, offering to sell, and/or selling products at the Dealio web site in a manner that infringes the claims of the ‘638 patent. Defendant is also infringing by inducing and contributing to such infringement by others.

28. Plaintiff has been damaged by defendant’s infringement of the ‘638 patent and will continue to be damaged and irreparably harmed in the future unless defendant is enjoined from infringing the patent.

### **Prayer For Relief**

WHEREFORE, plaintiff prays for the following relief:

- (a) A declaratory judgment that defendant has infringed United States Patent Nos. 6,292,813; 6,336,131; 6,341,305; 7,043,526; 7,257,604; 7,246,310; and 7,302,638;
- (b) A preliminary and permanent injunction enjoining and restraining defendant, its officers, directors, agents, servants, employees, attorneys and all others acting under or through them, directly or indirectly, from infringing United States Patent Nos. 6,292,813; 6,336,131; 6,341,305; 7,043,526; 7,257,604; 7,246,310; and 7,302,638;

(c) A judgment requiring defendant to pay damages under 35 U.S.C. § 284, including treble damages, with interest;

(d) A judgment requiring defendant to pay the costs and disbursements of this action and attorney fees as provided by 35 U.S.C. § 285, with interest; and

(e) Such other and further relief as this Court may deem just and equitable.

DORSEY & WHITNEY LLP

Dated: June 25, 2008.

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