

NATURE OF THE ACTION

1. This is a patent infringement action to stop each Defendant's infringement of U.S. Patent No. 5,623,660 (the "'660 Patent'"), entitled "System for Regulating Access to Data Base for Purposes of Data Base Management." A copy of the '660 Patent is attached hereto as Exhibit "A." Data Match is the owner and assignee of the '660 Patent. Data Match seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff Data Match is a limited liability company organized and existing under the laws of the State of Texas. Data Match maintains its principal place of business at 104 E. Houston Street, Suite 140, Marshall, Texas 75670. Data Match is the owner and assignee of all rights, title, and interest in and to the '660 Patent and possesses all rights and recovery under the '660 Patent including, but not limited to, the right to sue for infringement and recover past damages.

3. Defendant Eharmony.com, Inc. ("Eharmony") is a corporation organized and existing under the laws of the State of California with its principle place of business located at 888 East Walnut Street, 2nd Floor, Pasadena, California 91101. Eharmony may be served with process via its registered agent for service of process, CSC Lawyers Incorporating Service, 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833. Eharmony has appeared and answered in the lawsuit. Eharmony owns, controls and/or operates the internet website www.eharmony.com.

4. Defendant Date.com, Inc. ("Date.com") is a corporation organized and existing under the laws of the State of New York, with its principle place of business

located at 1691 Michigan Ave., Suite 410, Miami Beach, Florida 33139. Date.com may be served with process via its registered agent for service of process, Meir Strahlberg 1691 Michigan Ave., Suite 410, N. Miami Beach, Florida 33139. Date.com has appeared and answered in the lawsuit. Date.com owns, controls and/or operates the internet website www.date.com.

5. Defendant Singlesnet, Inc. (“Singlesnet”) is a corporation organized and existing under the laws of the State of Massachusetts, with its principle place of business located at 13A Highland Circle, Needham, Massachusetts 02494. Singlesnet may be served with process via its registered agent for service of process, Quinn Lipin, 41 Pine Ridge Road, Wellesley, Massachusetts 02481. Singlesnet has appeared and answered in the lawsuit. Singlesnet owns, controls and/or operates the internet website www.singlesnet.com.

6. Defendant Spark Networks, Inc. (“Spark”) is a corporation organized and existing under the laws of the State of Delaware with its principle place of business located at 8383 Wilshire Blvd., Suite 800, Beverly Hills, California 90211. Spark may be served with process via its registered agent for service of process, Joshua Kreinberg, 8383 Wilshire Blvd. #800, Beverly Hills, CA 90211. Spark Networks owns, controls and/or operates numerous internet websites, including but not limited to: americansingles.com, adventistsinglesconnection.com, asiansinglesconnection.com, baptistSinglesconnection.com, bbwpersonalplus.com, blacksingles.com, spark.com, catholicmingle.com, christianmingle.com, cupid.com, collegeluv.com, hurrydate.com, jdate.com, indianmatrimonialnetwork.com, interracialsingles.net,

7. Defendant MarketRange, Inc. (“MarketRange”) is a corporation organized and existing under the laws of the State of Washington with its principle place of business located at 11410 NE 124th St, Box 241, Kirkland, WA 98034. Marketrange may be served with process via its registered agent for service of process, Cairncross & Hempelmann PS, 524 Second Avenue # 500, Seattle, WA, 98104-2323. Marketrange owns, controls and/or operates the internet website www.perfectmatch.com.

8. Defendant Roomate.com, LLC (“Roommate”) is a corporation organized and existing under the laws of the State of Arizona with its principle place of business located at 16441 N. 91st Street, Suite D-101, Scottsdale, AZ 85260. It can be served via its registered agent for service of process, DG Service Corp, 560 W. Brown Rd., 3rd Floor, Mesa, AZ 85201. Roommate owns, controls and/or operates the internet website www.roomates.com.

9. Defendant Match.Com, LLC. d/b/a Chemistry.com (“Chemistry.com”) is a corporation organized and existing under the laws of the State of Delaware with its principle place of business located at 1614 Sidney Baker St., Kerrville, TX, 78028-2640. Chemistry.Com may be served with process via its registered agent for service of process, Elicia Acquisition Corp. 8300 Douglas Avenue, Suite 800, Dallas, TX 75225. Chemistry.com owns, controls and/or operates the internet website www.chemistry.com.

10. Defendant Mobeze, Inc. (“Mobeze”) is a corporation organized and existing under the laws of the State of California with its principle place of business located at 8885 Rio San Diego Dr., Ste 370 San Diego, CA 92108. Mobeze may be served with process via its registered agent for service of process, Seth B. Bobroff, 6256 Greenwich Dr., Ste 500, San Diego, CA 92122. Mobeze owns, controls and/or operates the internet website www.onlinebootycall.com.

11. Defendant Yahoo!, Inc. d/b/a Yahoo Personals (“Yahoo”) is a corporation organized and existing under the laws of the State of Delaware with its principle place of business located at 701 First Ave, Sunnyvale, CA 94089. Yahoo may be served with process via its registered agent for service of process, CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201. Yahoo owns, controls and/or operates the internet website personals.yahoo.com.

12. Defendant People Media, LLC (“People Media”) is a corporation organized and existing under the laws of the State of Arizona with its principle place of business located at 1080 E. Pecos Rd, Suite 18, Chandler, AZ 85225-2426. People Media may be served with process via its registered agent for service of process, CT Corporation System, 2394 E. Camelback Rd., Phoenix, AZ 85016. People Media owns, controls and/or operates the internet websites www.blackpeoplemeet.com and www.singleparentmeet.com.

13. Defendant Humor Rainbow, Inc. (“Humor Rainbow”) is a corporation organized under the laws of the State of New York with its principle place of business located at 39 West 14th St., #502A, New York, New York, 10011. It can be served via its

registered agent for service of process, Sam Yagan, 39 West 14th St., #502A, New York, New York, 10011. Humor Rainbow owns, controls and/or operates the internet website www.okcupid.com.

14. Defendant Eight Days, Inc. (“Eight Days”) is a corporation organized under the laws of the State of California with its principle place of business located at 617 Front St, San Francisco CA, 94111. Eight Days can be served via its registered agent for service of process, James Hong, 617 Front St., San Francisco, CA 94111. Eight Days owns, controls and/or operates the internet dating website www.hotornot.com.

JURISDICTION AND VENUE

15. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

16. The Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Texas. Each Defendant, directly and/or through intermediaries (including subsidiaries, distributors, third party administrators, etc.), offers for sale, sells, and advertises its products and services in the United States, the State of Texas, and the Eastern District of Texas. Each Defendant, directly and/or through intermediaries, has committed the tort of patent infringement within the State of Texas, and, more particularly, within the Eastern District of Texas.

17. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – INFRINGEMENT OF U.S. PATENT 5,623,660

18. Data Match refers to and incorporates herein the allegations of Paragraphs 1-17 above.

19. United States Patent No. 5,623,660 (the “‘660 Patent”), entitled “System for Regulating Access to Data Base for Purposes of Data Base Management,” was duly and legally issued by the United States Patent and Trademark Office on April 22, 1997 after a full and fair examination. Data Match is the assignee of all rights, title, and interest in and to the ‘660 Patent and possesses all rights of recovery under the ‘660 Patent, including the right to sue for past, present and future infringement and recover damages.

20. Each Defendant has infringed and continues to infringe the ‘660 Patent by making, using, offering to sell, selling (directly or through intermediaries), and/or importing, in this district and elsewhere in the United States, one or more internet dating and/or matching websites and associated services that utilize the systems and methods disclosed and claimed in the ‘660 Patent. Upon information and belief, each Defendant also has contributed to the infringement of the ‘660 Patent, and/or actively induced others to infringe the ‘660 Patent, in this district and elsewhere in the United States.

21. Each Defendant’s infringement of the ‘660 Patent has caused Data Match to suffer damages in an amount that is no less than a reasonable royalty.

22. Data Match is entitled to recover from each Defendant the damages sustained by Data Match as a result of each Defendant’s wrongful acts in an amount subject to proof at trial.

23. Each Defendant's infringement of Data Match's exclusive rights under the '660 Patent will continue to damage Data Match, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

JURY DEMAND

24. Plaintiff demands a trial by jury on all issues and has paid the required jury fee.

PRAYER FOR RELIEF

25. Plaintiff Data Match Enterprises of Texas, LLC respectfully requests this Court to enter judgment in its favor against each Defendant, granting the following relief:

- A. An adjudication that each Defendant has infringed and continues to infringe claims of the '660 Patent;
- B. An award to Data Match of damages adequate to compensate Data Match for each Defendant's acts of infringement together with prejudgment interest;
- C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining each Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) active infringement with respect to the claims of the '660 Patent; and
- D. Any further relief that this Court deems just and proper.

Respectfully submitted,

By: /s/ Donald Puckett

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**ATTORNEYS FOR PLAINTIFF
DATA MATCH ENTERPRISES LLC**

CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per LOCAL RULE CV-5(a)(3) today, May 1, 2008. Any other counsel of record will be served by postage paid, certified first class mail, return receipt requested.

/s/ Donald Puckett
Donald Puckett