

FILED

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

2012 JAN -3 P 2: 17

CIVIX-DDI, LLC,

Plaintiff,

v.

LOOPNET, INC.

Defendant.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Case No. *2:12 CV 2
MSD/DEM*

COMPLAINT

Plaintiff, CIVIX-DDI, LLC (“CIVIX”) brings this Complaint against defendant LoopNet, Inc. (“LoopNet”) 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. CIVIX is in the business of developing and licensing location-based searching technologies.

2. LoopNet is a Delaware corporation having its principal place of business at 185 Berry Street, Suite 4000, San Francisco, California 94107. LoopNet provides location-based searching systems and services for commercial properties throughout the United States, including Virginia. LoopNet’s location-based searching services are regularly used throughout these areas, including in this judicial district by persons who reside in Virginia.

JURISDICTION AND VENUE

3. 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. §§ 1331 and 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1391(b) 1391(c) and 1400(b).

THE PATENTS-IN-SUIT

4. 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 patent and the ‘291 patent ultimately derive from U.S. Patent Application No. 08/371,425, which was filed on January 11, 1995.

5. The ‘622 patent was issued by the United States Patent and Trademark Office (“USPTO”) on May 7, 2002. The USPTO issued an Ex Parte Reexamination Certificate on September 22, 2009, confirming the patentability of claims 20 and 26. In addition, on May 5, 2011, the USPTO denied a third-party request for a reexamination of the ‘622 patent.

6. The ‘291 patent was issued by the USPTO on July 2, 2002. The USPTO issued an Ex Parte Reexamination Certificate on September 8, 2009, confirming the patentability of claims 8, 11-13, 16-19, 22 and 23. In addition, on May 5, 2011, the USPTO denied a third-party request for a request for reexamination of the ‘291 patent.

7. CIVIX has previously enforced the ‘622 patent and the ‘291 patent, including in this district. CIVIX has granted hundreds of licenses under the ‘622 patent and the ‘291 patent, resulting in more than \$40 million in royalties. CIVIX’s licensees include providers of real estate searching systems and services of the type provided by LoopNet.

PATENT INFRINGEMENT

8. LoopNet has infringed at least claim 26 of the '622 patent and at least claims 8, 17 and 22 of the '291 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, operating and providing real estate searching systems through at least its www.loopnet.com website.

9. LoopNet has infringed at least claim 26 of the '622 patent and at least claims 8, 16, 17 and 22 of the '291 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, operating and providing real estate searching systems through at least its www.cityfeet.com website.

10. LoopNet and LoopNet members have jointly infringed at least claim 26 of the '622 patent and at least claims 8, 17 and 22 of the '291 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, operating and providing real estate searching systems through the www.loopnet.com website.

11. LoopNet and Cityfeet members have jointly infringed at least claim 26 of the '622 patent and at least claims 8, 16, 17 and 22 of the '291 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, operating and providing real estate searching systems through the www.cityfeet.com website.

12. LoopNet has actively induced third parties, including LoopNet members and other users of the www.loopnet.com website, to infringe at least claim 26 of the '622 patent and claims 8, 17 and 22 of the '291 patent under 35 U.S.C. § 271(b) by making, operating, providing, promoting and assisting in the use of systems, and by operating, providing, promoting and assisting in the use of services, for searching for and locating real estate using the www.loopnet.com website.

13. LoopNet has actively induced third parties, including Cityfeet members and other users of the www.cityfeet.com website, to infringe at least claim 26 of the '622 patent and claims 8, 16, 17 and 22 of the '291 patent under 35 U.S.C. § 271(b) by making, operating, providing, promoting and assisting in the use of systems, and by operating, providing, promoting and assisting in the use of services, for searching for and locating real estate using the www.cityfeet.com website.

14. On July 14, 2011, CIVIX notified LoopNet that LoopNet has infringed and is infringing the '622 and '291 patents based on the www.loopnet.com and www.cityfeet.com websites. LoopNet has continued to provide the accused real estate searching systems and services through at least the www.loopnet.com and www.cityfeet.com websites. LoopNet has acted with at least willful blindness to the existence of CIVIX's patent rights and their application to the accused systems and services.

15. LoopNet has committed the above acts of infringement throughout Virginia, including in this judicial district.

16. CIVIX has granted license and other rights under the '622 patent and the '291 patent to third parties. CIVIX's allegations of infringement against LoopNet do not extend to activities covered by these license and other rights. In particular, the activities accused of infringement do not encompass Permitted Uses of MapQuest Technology as defined by the 1999 CIVIX-MapQuest Agreement.

17. CIVIX has been injured by LoopNet's acts of infringement and is entitled to damages adequate to compensate it for all the infringement that has occurred. Moreover, LoopNet's acts of infringement will continue unless enjoined by this Court.

REQUESTED RELIEF

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

- A. A finding that LoopNet has infringed the '622 patent and the '291 patent;
- B. An injunction prohibiting LoopNet and all those acting in concert or participation with LoopNet 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 LoopNet 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 with respect to each entity found to infringe any asserted claim of any asserted patent;
- D. An award to CIVIX for any damages so determined that are found for willful infringement by LoopNet, 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: January 3, 2012

Respectfully submitted,



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