

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EARTHCOMBER, LLC,)	
)	
Plaintiff,)	Case No. 12-cv-0390
)	
v.)	
)	JURY TRIAL DEMANDED
PRIMEDIA, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Earthcomber, LLC (“Earthcomber”), by its undersigned attorneys, for its Complaint against Defendant PRIMEDIA, Inc., (“PRIMEDIA”) states as follows:

I. NATURE OF THE ACTION

1. James Brady – the founder of Earthcomber – developed a system and method to match users of mobile devices with merchants that are within a defined proximity of the device and meet the stated preferences of the user. These inventions resulted in the issuance of multiple patents, including United States Patent No. 7,071,842, entitled “System and Method for Locating and Notifying a User of a Person, Place or Thing Having Attributes Matching the User’s Stated Preferences,” (“the ‘842 Patent”) and United States Patent No. 7,589,628, entitled “System and Method for Providing Location-Based Information to Mobile Consumers,” (“the ‘628 Patent”). Earthcomber offers applications for mobile devices that are embodiments of the inventions claimed by the ‘842 and ‘628 Patents and these applications have won acclaim in the industry.

2. PRIMEDIA is a corporation that offers classified advertising in paper and electronic format. PRIMEDIA has created a number of mobile applications that allow users to search for real estate that is near the user and meet the stated preferences of the user.

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from PRIMEDIA's unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States for subsequent use or sale of products and/or systems that infringe one or more claims of the '842 and '628 Patents.

II. PARTIES

Plaintiff

4. Earthcomber is an Illinois limited liability company with its principal place of business at 101 North Marion Street, Suite 300, Oak Park, Illinois 60301. Earthcomber owns the '842 and '628 Patents.

Defendant

5. PRIMEDIA is a Delaware Corporation with its principal place of business at 3585 Engineering Drive, Suite 100, Norcross, GA 30092. PRIMEDIA is engaged in the manufacture, sale, and/or importation in the United States of applications and systems that infringe the '842 and '628 Patents.

III. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States.

7. This Court has personal jurisdiction over PRIMEDIA because it has established minimum contacts with Illinois. PRIMEDIA, directly and/or through third party manufacturers, manufactures, assembles, or distributes products that are and have been distributed and used within the state of Illinois. In addition, PRIMEDIA, directly and/or through their distribution networks, regularly places its products within the stream of commerce, with the knowledge

and/or understanding that such products will be distributed and used in Illinois.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and 1400 (b). PRIMEDIA transacts business in this District because, among other things, it distributes products that are used within this District. PRIMEDIA offers classified advertising for products and services in the state of Illinois and this District. PRIMEDIA has also committed tortious acts of patent infringement in this District and is subject to personal jurisdiction in Illinois.

IV. CLAIMS ALLEGED

Count I Patent Infringement (35 U.S.C. § 271)

9. Paragraphs 1 through 8 are incorporated by reference as if fully stated herein.

10. The '842 Patent was duly and legally issued on July 4, 2006, by the United States Patent and Trademark Office. A copy of the '842 Patent is attached hereto as Exhibit A.

11. The '628 Patent was duly and legally issued on September 15, 2009, by the United States Patent and Trademark Office. A copy of the '628 Patent is attached hereto as Exhibit B.

12. Among other things, the '842 and '628 Patents claim a system and method matching users with information providers based upon the explicit preferences of the users and the proximity of the users and information providers. These Patents also claim methods for converting resource information into digital information and providing that information to users.

13. The '842 and '628 Patents are valid and enforceable.

14. Earthcomber, LLC is the exclusive and current owner of all rights, title, and interest, in the '842 and '628 Patents, including the right to bring this suit for injunctive relief

and damages.

15. Upon information and belief, PRIMEDIA has infringed and continues to infringe one or more claims of the '842 and '628 Patents by engaging in acts that constitute infringement under 35 U.S.C. § 271, including but not necessarily limited to making, using, selling, and/or offering for sale, in Illinois and elsewhere in the United States, and/or importing into Illinois or elsewhere in the United States, programs and systems that infringe the '842 and '628 Patents.

16. In violation of 35 U.S.C. § 271, PRIMEDIA has been infringing and continues to infringe one or more claims of the '842 and '628 Patents through at least the acts of making, using, selling, offering for sale and/or importing infringing products or systems. PRIMEDIA's infringing products include, without limitation, the Apartment Guide iPhone Application.

17. PRIMEDIA's infringement of the '842 and '628 Patents is exceptional and entitles Earthcomber to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

V. JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Earthcomber demands a trial by jury of all claims in this Complaint so triable.

VI. REQUEST FOR RELIEF

WHEREFORE, Earthcomber requests that the Court:

- A. Enter a judgment that PRIMEDIA has infringed United States Patent No. 7,071,842;
- B. Enter a judgment that PRIMEDIA has infringed United States Patent No. 7,589,628;
- C. Enter an Order awarding Earthcomber all damages adequate to compensate it for PRIMEDIA's infringement of the '842 and '628 Patents, such damages to be determined by a jury, and if necessary to adequately compensate Earthcomber for the infringement, an accounting;

- D. Enter an Order declaring that this is an exceptional case within the meaning of 35 U.S.C. § 285 and that Earthcomber be awarded attorneys' fees, costs, and expenses incurred in connection with this action; and
- E. Award Earthcomber any additional relief that this Court deems just and proper.

Date: January 18, 2012

Respectfully submitted,

EARTHCOMBER, LLC

By: 
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