

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LUMEN VIEW TECHNOLOGY LLC	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. _____
	:	
EDUCATIONDYNAMICS, LLC AND EDUCATIONCONNECTION, LLC	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	

COMPLAINT

Plaintiff Lumen View Technology LLC ("Plaintiff"), for its Complaint against Defendant EducationDynamics, LLC and Defendant EducationConnection, LLC (collectively "Defendants"), hereby alleges as follows:

PARTIES

1. Plaintiff is a Delaware limited liability company.
2. Upon information and belief, Defendant EducationDynamics is a Delaware limited liability company having a principal place of business at 5 Marine View Plaza, Suite 212, Hoboken, NJ 07030. Upon information and belief, Defendant EducationDynamics may be served with process through its registered agent, Delaware Registry, Ltd., at 3511 Silverside Road Suite 105, Wilmington, DE 19810.
3. Upon information and belief, Defendant EducationConnection is a Delaware limited liability company having a principal place of business at 5 Marine View Plaza, Suite 212, Hoboken, NJ 07030. Upon information and belief, Defendant EducationConnection may be

served with process through its registered agent, The Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

NATURE OF THE ACTION

4. This is a civil action for the infringement of United States Patent No. 8,069,073 (the "'073 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

6. This Court has personal jurisdiction over Defendants because each is incorporated in Delaware and each has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

7. Upon information and belief, more specifically, Defendants, directly and/or through authorized intermediaries, ship, distribute, offer for sale, sell, and/or advertise their products and services in the United States and the State of Delaware. Upon information and belief, Defendants have committed patent infringement in the State of Delaware. Defendants solicit customers in the State of Delaware. Defendants have many paying customers who are residents of the State of Delaware and who each use Defendants' products and services in the State of Delaware.

8. Venue is proper in this judicial district as to Defendant pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT-IN SUIT

9. Paragraphs 1-8 are incorporated by reference as if fully set forth herein.

10. On November 29, 2011, the '073 Patent entitled "System And Method For Facilitating Bilateral And Multilateral Decision-Making" was duly and lawfully issued by the United States Patent and Trademark Office ("PTO"). The '073 Patent is attached hereto as Exhibit A.

11. Plaintiff is the exclusive licensee of the '073 Patent and possesses all rights of recovery under the '073 Patent, including the right to sue and recover all damages for infringement thereof, including past infringement.

COUNT I – PATENT INFRINGEMENT

12. Paragraphs 1-11 are incorporated by reference as if fully restated herein.

13. Upon information and belief and in violation of 35 U.S.C. § 271(a), Defendants have infringed and continues to infringe at least Claim 1 of the '073 Patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, a computer implemented method for facilitating evaluation, in connection with the procurement or delivery of products or services, in a context of at least one of a financial transaction and operation of an enterprise, such context involving a first class of parties in a first role and a second class of counterparties in a second role. More specifically, and by way of non-limiting example, Defendants offer for sale via the www.educationconnection.com website ("Defendants' Website") that facilitates evaluation between prospective students and online and campus schools. *See* Exhibit B.

14. For purposes of Claim 1, Defendants' Website executes a computer-implemented method for facilitating evaluation by hosting a web-based system facilitating evaluation between a prospective student and online and campus schools. Defendants' Website retrieves first preference data from a digital storage medium, the first preference data received from the prospective student, and assigns attribute levels based on the choices made by the student (first class of parties) to match the student with a school that is right for that student. Defendants' Website retrieves second preference data from a digital storage medium, the second preference data received from the schools, and assigns attribute levels based on the choices made by the schools (counterparties). Defendants' Website performs multilateral analyses of the student's (selected party) preference data and the preference data for each of the schools (counterparties), and computes a closeness-of-fit value based thereon. Further, Defendants' Website uses the closeness-of-fit value to derive and provide a list to the student matching the student (selected party) and at least one of the schools (counterparties).

15. To the extent such notice may be required, Defendants received actual notice of infringement of the '073 Patent at least as early as the filing of the complaint in this action, pursuant to 35 U.S.C. § 287(a).

16. Defendants' aforesaid activities have been without authority and/or license from Plaintiff.

17. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

18. Defendants' infringement of Plaintiff's exclusive rights under the '073 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Lumen View Technology LLC respectfully requests that this Court enter judgment against Defendant EducationDynamics, LLC and Defendant EducationConnection, LLC as follows:

- A. An adjudication that Defendants have infringed the '073 Patent;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiff for its past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Plaintiff for Defendants' infringement, and an accounting of all infringing sales including, but not limited to, those sales not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285;
- D. An award to Plaintiff of its attorney fees, costs, and expenses incurred in prosecuting this action; and
- E. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all claims and issues so triable.

Dated: March 15, 2012

STAMOULIS & WEINBLATT LLC

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