

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

EDISON LUX INDUSTRIES LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. _____
	:	
XEROCOLE, INC.	:	<b>JURY TRIAL DEMANDED</b>
	:	
Defendant.	:	
	:	

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**COMPLAINT**

Plaintiff Edison Lux Industries LLC ("Plaintiff"), for its Complaint against Defendant Xerocole, Inc. ("Defendant"), hereby alleges as follows:

**PARTIES**

1. Plaintiff is a Delaware limited liability company.
2. Upon information and belief, Defendant is a Delaware corporation having a principal place of business at 1942 Broadway, Suite 319, Boulder, Colorado 80302. Upon information and belief, Defendant may be served with process through its registered agent, The Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

**NATURE OF THE ACTION**

3. This is a civil action for the infringement of United States Patent No. 6,442,602 (the "'602 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**JURISDICTION AND VENUE**

4. 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.*

5. This Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

6. Upon information and belief, more specifically, Defendant, directly and/or through authorized intermediaries, ships, distributes, offers for sale, sells, and/or advertises its products and services in the United States and the State of Delaware. Upon information and belief, Defendant has committed patent infringement in the State of Delaware. Defendant solicits customers in the State of Delaware. Defendant has many paying customers who are residents of the State of Delaware and who each use Defendant's products and services in the State of Delaware.

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

**THE PATENT-IN SUIT**

8. Paragraphs 1-7 are incorporated by reference as if fully set forth herein.

9. On February August 27, 2002, the '602 Patent entitled "System and Method for Dynamic Creation and Management of Virtual Subdomain Addresses" was duly and lawfully issued by the United States Patent and Trademark Office ("PTO"). The '602 Patent is attached hereto as Exhibit A.

10. Plaintiff is the exclusive licensee of the '602 Patent and possesses all rights of recovery under the '602 Patent, including the right to sue and recover all damages for infringement thereof, including past infringement.

**COUNT I – PATENT INFRINGEMENT**

11. Paragraphs 1-10 are incorporated by reference as if fully restated herein.

12. Upon information and belief and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least Claim 1 of the '602 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, systems and methods for redirecting virtual subdomains (e.g., unrecognized unregistered subdomains) to a real/registered domain or virtual subdirectory, as described via the website <http://www.xerocole.com>.

13. More specifically, and by way of non-limiting example, Defendant sells to its clients a service that redirect requests unregistered unrecognized subdomains, namely their SearchGuide and InformX services, hereafter "NXDOMAIN Redirection." The NXDOMAIN Redirection service includes a DNS Traffic Switch that receives from an Interneted client computer (e.g., the customer's DNS server or an end user computing system) a request for an Internet document at an unrecognized unregistered subdomain address. An exemplary unrecognized unregistered subdomain would include [doesnotexist.domain.com](http://doesnotexist.domain.com). *See* Exhibit B.

14. Defendant advertises that their system provide a better browsing experience that involves correcting common typos and presenting useful search pages for non-existing domains after correcting name mistakes. For the service provider, Defendant offers a unique error redirect service that can increase yearly operating profit \$1 to \$3 per subscriber depending on policies

deployed and net of infrastructure and advertising costs. When NXDOMAIN errors are detected, Defendant's service can redirect DNS responses and send the user to an alternate site hosted on a Walled Garden Server. A request for an unrecognized unregistered subdomain address causes the generation of an NXDOMAIN error.

15. When a user types an incorrect URL, instead of receiving a blank Domain-Not-Found error page the Defendant's service presents useful search pages for non-existing domains after correcting name mistakes. More specifically, upon receiving the request for an unrecognized unregistered subdomain address, the NXDOMAIN Redirection service executes a redirection script on said domain name server in response to said request for said unrecognized unregistered subdomain address. Simply put, the NXDOMAIN Redirection service executes redirection software in response to the receipt of the request. The execution of the NXDOMAIN Redirection software causes the NXDOMAIN Redirection service to access a computer-readable record by said script to determine a subdirectory or recognized and registered domain name assigned to the unrecognized unregistered subdomain. Defendant advertises that their NXDOMAIN Redirection service will redirect requests for errant DNS requests (NXDOMAIN errors) to a Walled Garden Server that hosts a customized search page. *See Exhibit B.*

16. The NXDOMAIN Redirection service will redirect the request to said subdirectory or recognized and registered domain name such that the request results in a request to a recognized domain name or to a subdirectory of a recognized domain name on a web server (such as the Walled Garden Server), thereby allowing the request to be fulfilled by said web server which hosts the recognized domain name or subdirectory of the recognized subdomain name.

17. To the extent such notice may be required, Defendant received actual notice of its infringement of the '602 Patent at least as early as the filing of the complaint in this action, pursuant to 35 U.S.C. § 287(a).

18. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

19. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's 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.

20. Defendant's infringement of Plaintiff's exclusive rights under the '602 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 Edison Lux Industries LLC respectfully requests that this Court enter judgment against Defendant Xerocole, Inc. as follows:

- A. An adjudication that Defendant has infringed the '602 Patent;
- B. An award of damages to be paid by Defendant 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 Defendant's 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: April 16, 2012

STAMOULIS & WEINBLATT LLC

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