

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

CATHAS ADVANCED TECHNOLOGIES
LLC,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Cathas Advanced Technologies, LLC (“Cathas”) by its undersigned attorneys complains of Defendant Amazon.com, Inc., (“Amazon” or “Defendant”), and alleges as follows:

PARTIES

1. Plaintiff Cathas is a limited liability company organized and existing under the laws of the State of Delaware with offices located at 2961 Fontenay Road, Shaker Heights, OH 44120.

2. On information and belief, Defendant Amazon.com, Inc., is a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Defendant has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

3. On information and belief, Amazon serves consumers through its retail websites and focuses on selection, price, and convenience. Amazon’s four customer sets include consumers, sellers, enterprises and content creators. It offers programs, which enables sellers to

sell their products to targeted customers on its websites and their own branded websites and to fill orders through it. Amazon serves developers and enterprises of all sizes through Amazon Web Services (AWS), which provides, among other services, online advertising. Users must register before using the site, with most, if not all, users creating a personal profile. Amazon operates one or more servers that enable users to register and create a personal profile. Through this and other actions, Amazon collects and stores information from its users. In turn, Amazon enables its users to receive information about products and services from business enterprises or other entities in which the users might be interested.

JURISDICTION AND VENUE

4. This action for infringement arises under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Amazon based on the following, among other reasons: (a) Amazon is a Delaware corporation that is authorized to do business in the State of Delaware and regularly conducts such business; (b) Amazon maintains a website and social media presence that are accessible to residents of the State of Delaware; (c) Amazon has purposefully availed itself of the benefits and protections of Delaware law by doing and transacting business in the State of Delaware; and (d) Amazon has committed tortious acts, including committing acts of patent infringement in violation of 35 U.S.C. §271, that it knew or should have known would cause injury to Cathas in the State of Delaware. All of Amazon's contacts with the State of Delaware are systematic, continuous and substantial.

7. Venue is proper in this district under at least 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Amazon is subject to personal jurisdiction in this District and regularly transacts business in this District; and because Defendant has committed one or more acts of patent infringement within this Judicial District.

THE PATENT-IN-SUIT

8. Plaintiff Cathas is owner by assignment of United States Patent No. 7,412,446 (“the ‘446 Patent”) entitled “Method, System and Storage Medium For Providing Supplier Branding Services Over a Communications Network.” The ‘446 Patent was duly and legally issued by the United States Patent & Trademark Office on August 12, 2008. A true and correct copy of the ‘446 Patent is attached as Exhibit 1.

9. Tulip Shah is the named inventor on the ‘446 patent.

10. The ‘446 Patent generally covers a method, system and storage medium for providing and managing supplier-branded marketing and related services to targeted constituencies within a customer organization utilizing information exchanges over a communications network. The ‘446 Patent also covers the collection of supplier branded information and sales collateral, as well as collecting personal information from customers or from user behavior, storing it in database and establishing online marketing based on those activities.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,412,446

11. Plaintiff re-alleges paragraphs 1-10 as if fully incorporated herein.

12. On information and belief, Defendant has been and now is directly infringing the ‘446 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States.

13. On information and belief, Defendant has been and now is directly infringing one or more claims of the '446 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, making, using, operating, selling or offering to sell products or services employing a method, system and/or storage medium for providing and managing supplier-branded marketing and related services to targeted customers covered by at least claim 1 of the '446 Patent. For example, Amazon Display, which is an Amazon Advertising Platform product provided via Amazon's website, www.amazon.com, offers several advertising platforms for customers to deliver personalized campaign messages and offerings across the Amazon network to targeted consumers based on previously entered profile information.

14. Defendant is thus liable for infringement of the '446 Patent pursuant to 35 U.S.C. § 271.

15. As a result of Defendant's past infringement of the '446 patent, Plaintiff Cathas has suffered monetary damages in an amount adequate to compensate for Defendant's past infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and cost as fixed by the Court, and Plaintiff Cathas will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by the Court.

16. At least prior to the filing of this action and with respect to the '446 Patent, Plaintiff had no marking obligations pursuant to 35 U.S.C. § 287(a).

17. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within

the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary fees and expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Cathas respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff Cathas declaring that Defendant has infringed the ‘446 Patent;
2. A judgment and order requiring Defendant to pay Plaintiff Cathas its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant’s infringement of the ‘446 Patent as provided under 35 U.S.C. § 284;
3. An award to Plaintiff Cathas for enhanced damages as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff Cathas its reasonable attorneys’ fees; and
5. An award of any and all other relief to which Plaintiff Cathas may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff Cathas Advanced Technologies, LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 29, 2012

BAYARD, P.A.

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