

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

Data Carriers, LLC,

Plaintiff,

v.

Target Corporation,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Data Carriers, LLC (“Data Carriers”) makes the following allegations against Defendant Target Corporation (“Defendant”).

PARTIES

1. Data Carriers is a Delaware limited liability company having a principal place of business at 4023 Kennett Pike, Suite 531, Wilmington, Delaware 19807-2018.

2. On information and belief, Target Corporation is a Minnesota corporation with a principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because, among other reasons, Defendant has done business in this District, committed acts of patent infringement in this District, and harmed Data Carriers in this District, by, among other things, using, selling, offering for sale, and importing infringing products and services in this District.

5. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because, among other reasons, Defendant is subject to personal jurisdiction in this District, and

has committed acts of patent infringement in this District. On information and belief, for example, Defendant has used, sold, offered for sale, and imported infringing products in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,388,198

6. Data Carriers is the owner by assignment of United States Patent No. 5,388,198 (the “‘198 patent”), entitled “Proactive Presentation of Automating Features to a Computer User.” The application for the ‘198 patent was filed on April 16, 1992. The patent issued on February 7, 1995, and was originally assigned to Symantec Corporation. A true and correct copy of the ‘198 patent is attached as Exhibit A.

7. Defendant has directly infringed at least claim 5 of the ‘198 patent, in this judicial district and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling products or services that automatically intervene in the use of a computer system to suggest or present features based on information on the use of the system, including but not limited to autocomplete features of Defendant’s website www.target.com. Defendant’s website continuously monitors and compares user manipulations and program context with feature templates stored in memory, and presents automating features if a match is found. By using Data Carrier’s claimed technology on its website, Defendant has injured Data Carriers and is thus liable for infringement of the ‘198 patent pursuant to 35 U.S.C. § 271.

8. Defendant has committed these acts of infringement without license or authorization.

9. As a result of Defendant’s infringement of the ‘198 patent, Data Carriers has suffered monetary damages in an amount not yet determined, but in no event less than a

reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

Data Carriers respectfully requests that this Court enter:

- A. A judgment in favor of Data Carriers that Defendant has infringed the '198 patent;
- B. A judgment and order requiring Defendant to pay Data Carriers its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '198 patent as provided under 35 U.S.C. § 284;
- C. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Data Carriers its reasonable attorneys' fees against Defendant;
- D. A judgment and order requiring Defendant to provide an accounting and to pay supplemental damages to Data Carriers, including without limitation, pre-judgment and post-judgment interest; and
- E. Any and all other relief to which Data Carriers may show itself to be entitled.

DEMAND FOR JURY TRIAL

Data Carriers, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

July 19, 2012

BAYARD, P.A.

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