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11 The MoneySuite Company

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

15 THE MONEYSUITE COMPANY,

16 Plaintiff,

17 v.

18 ESURANCE HOLDINGS, INC.;
19 ESURANCE INSURANCE SERVICES,
20 INC.; and THE ALLSTATE
21 CORPORATION,

22 Defendants.

23 SACV11-01850 JST (RNBx)

24 Case No.

25 COMPLAINT FOR PATENT
26 INFRINGEMENT

27 JURY TRIAL DEMANDED

28 Plaintiff The MoneySuite Company ("MoneySuite") alleges as follows:

1. This case is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code.

PARTIES

2. Plaintiff **MoneySuite** is a Delaware corporation that maintains its principal place of business at 200 W. Broadway, Suite C, Missoula, Montana 59808.

3. Defendant **Esurance Holdings, Inc.** ("EHI") is a company organized under the laws of Delaware to directly market and underwrite insurance products, including but not limited to personal auto insurance, on the internet and through call centers. EHI's corporate

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1 headquarters are located at 650 Davis Street San Francisco, CA 94111. EHI does business in
2 California, and EHI's registered California agent for service of process is, and this Complaint
3 may be served to, agent Robin Bogdanich at 3785 Placer Corporate Drive, Suite 550, Rocklin,
4 California 95765. EHI's registered Delaware agent for service of process is, and this Complaint
5 may be served to, Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware
6 19801.

7
8 4. Defendant **Esurance Insurance Services, Inc.** ("EIS") is a Delaware corporation
9 organized under the laws of Delaware to directly market and underwrite insurance products,
10 including but not limited to personal auto insurance, on the internet and through call centers. EIS
11 maintains its principal place of business at 650 Davis Street, San Francisco, CA 94111. EIS does
12 business in California, and EIS's registered California agent for service of process is, and this
13 Complaint may be served to, agent Robin Bogdanich at 3785 Placer Corporate Drive, Suite 550,
14 Rocklin, California 95765. EIS's registered Delaware agent for service of process is, and this
15 Complaint may be served to, Corporation Trust Company, 1209 Orange Street, Wilmington,
16 Delaware 19801.

17
18 5. Defendant **The Allstate Corporation** ("Allstate") is a Delaware corporation that
19 maintains its principal place of business at 2775 Sanders Road, Northbrook, Illinois 60062.
20 Allstate owns EIS and EHI. Allstate's registered agent is, and this Complaint may be served to,
21 Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

22 **JURISDICTION AND VENUE**

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24 6. This action for patent infringement arises under the patent laws of the United
25 States, Title 35, Section 271 of the United States Code. The Court's jurisdiction over this action
26 is proper under the above statutes, including:

27 7. Personal jurisdiction exists generally over Defendants pursuant to 28 U.S.C. §
28 1391 as they have sufficient minimum contacts with the forum as a result of business conducted

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within the State of California and within this district. Personal jurisdiction also exists specifically over Defendants because of Defendants' conduct in making, using, selling, offering to sell, and/or importing, directly infringing products and services within the State of California and within this district.

8. Venue is proper in this Court under 28 U.S.C. §§1391(b), (c), and (d), as well as 28 U.S.C., §1400(b) for the reasons set forth herein.

PATENT INFRINGEMENT

9. MoneySuite is the owner as assignee of all rights, title and interest in and under United States Patent No. 6,684,189 ("the '189 patent"), which duly and legally issued on January 27, 2004, with Ronald B. Ryan and Ronald G. Marquart as the named inventors, for an apparatus and method using front-end network gateways and search criteria for efficient quoting at a remote location.

10. This is an exceptional case within the meaning of 35 U.S.C. §285.

COUNT ONE

11. The Defendants have been and are infringing the '189 patent by making, using, selling, offering for sale, and/or importing in or into the United States, directly, without authority insurance quotation products and services that fall within the scope of the claims of the '189 patent, including but not necessarily limited to insurance quotation products and services provided at the www.esurance.com website, including, for example, the car insurance quote service on that website. Unless the Defendants are enjoined by this Court, MoneySuite is without an adequate remedy at law.

JURY DEMAND

12. Plaintiff requests a jury trial.

PRAYER FOR RELIEF

MoneySuite respectfully requests the following relief:

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A. That the Court declare that the '189 patent is valid and enforceable and that they are infringed by Defendants as described herein;

B. That the Court enter a permanent injunction against Defendants' direct infringement of the '189 patent, or, in the alternative, an ongoing royalty on post-judgment infringement, along with an accounting as necessary to determine the extent of said ongoing infringement;

C. That the Court award damages to MoneySuite to which it is entitled for patent infringement;

D. That the Court award interest on the damages to MoneySuite;

E. That the Court award to MoneySuite its costs and attorneys' fees incurred in this action; and

F. Such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

MoneySuite hereby demands a trial by jury of all issues so triable.

DATED: December 1, 2011

RUSS, AUGUST & KABAT
MARC A. FENSTER
ADAM S. HOFFMAN

By: 
MARC A. FENSTER

Attorneys for Plaintiff
The MoneySuite Company