

LUMEN VIEW TECHNOLOGY LLC	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. _____
	:	
SNAGAJOB.COM, INC., CAPTAIN D'S, LLC	:	<b>JURY TRIAL DEMANDED</b>
AND CARROLS RESTAURANT GROUP, INC.	:	
	:	
Defendant.	:	
	:	

Plaintiff Lumen View Technology LLC ("Plaintiff"), for its Complaint against Defendants SnagAJob.com, Inc. ("SnagAJob"), Captain D's, LLC ("Captain D's") and Carrols Restaurant Group, Inc. ("Carrols") (collectively, "Defendants"), hereby alleges as follows:

1. Plaintiff is a Delaware limited liability company.
2. Upon information and belief, Defendant SnagAJob.com, Inc. is a Delaware corporation having a place of business at 4851 Lake Brook Drive, Glen Allen, Virginia 23060. Upon information and belief, Defendant may be served with process through its registered agent, Corporation Service Company, at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. Upon information and belief, Defendant Captain D's is a Delaware limited liability company having a place of business at 1717 Elm Hill Pike Suite A-1, Nashville, Tennessee 37210. 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.

4. Upon information and belief, Defendant Carrols is a Delaware corporation having a place of business at 968 James Street, Syracuse New York 13203. 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**

5. 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**

6. 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.*

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

8. Upon information and belief, more specifically, each 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, each Defendant has committed patent infringement in the State of Delaware. Each Defendant solicits customers in the State of Delaware.

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

### **THE PATENT-IN SUIT**

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

11. 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.

12. 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**

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

14. Upon information and belief and in violation of 35 U.S.C. § 271(a), SnagAJob has 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.

15. More specifically, and by way of non-limiting example, SnagAJob offers for sale via the [www.snagajob.com](http://www.snagajob.com) website a method that facilitates evaluation between employers and job seekers (the "Employer Solution").

16. For purposes of Claim 1, the Employer Solution executes a computer-implemented method for facilitating evaluation by hosting a web-based system facilitating evaluation between employers and job seekers. The Employer Solution retrieves first preference data from a first digital storage medium, the first preference data received from the employers, and assigns attribute levels based on the choices made by the employers. The Employer Solution retrieves second preference data from a second digital storage medium, the second preference data received from the job seekers, and assigns attribute levels based on the choices made by the job seekers. The Employer Solution performs multilateral analyses of the employer's preference data and the preference data for each of the job seekers, and computes a closeness-of-fit value based thereon. Further, the SnagAJob Employer Solution uses the closeness-of-fit value to derive and provide a list to the employer matching the employer and at least one of the job seekers.

17. Additionally, upon information and belief and in violation of 35 U.S.C. § 271(a), each of Defendants Captain D's and Carrols (collectively "SnagAJob Intermediaries") has 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, each of the SnagAJob Intermediaries used, and continues to use, the Employer Solution that offers a method that facilitates evaluation of job seekers.

18. To the extent such notice may be required, each Defendant received actual notice of its 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).

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

20. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of the 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.

21. 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 Defendants SnagAJob.com, Inc., Captain D's, LLC and Carrols Restaurant Group, Inc. 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 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: September 20, 2012

STAMOULIS & WEINBLATT LLC

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