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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DATA DISTRIBUTION TECHNOLOGIES LLC,	:	
	:	Civil Action No.
Plaintiff,	:	
v.	:	District Judge
	:	Magistrate Judge
RE/MAX, LLC,	:	
	:	
Defendant.	:	
	:	x

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Data Distribution Technologies LLC ("DDT") is a limited liability company organized and existing under the laws of the State of New York, having its principal place of business at 75 Montebello Road, Suffern, New York 10901-3746, alleges the following for its complaint against defendant RE/MAX, LLC, a limited liability company organized and existing under the laws of the State of Delaware, with a principal place of business at 5075 S. Syracuse Street, Denver, Colorado 80237.

JURISDICTION AND VENUE

1. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a).

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

3. Personal jurisdiction over RE/MAX comports with the United States Constitution because RE/MAX is contributing and/or committing and/or contributed and/or committed the acts of patent infringement alleged in this Complaint in this district

BACKGROUND

4. On March 4, 2003, U.S. Patent No. 6,529,908 ("the '908 Patent"), entitled "Web-Updated Database With Record Distribution By Email," was duly and lawfully issued based upon an application filed by the inventors, Derrick Ronald Piett, Anthony James McAleer, and Peter Cellik. (A true and correct copy of the '908 Patent is attached as Exh. A.)

5. DDT is the owner by assignment of the '908 Patent and has the right to sue and recover damages for infringement thereof.

CLAIM FOR RELIEF

Patent Infringement Of U.S. Patent No. 6,529,908

6. All of the foregoing allegations are restated and incorporated by reference as though fully set forth herein.

7. Upon information and belief, RE/MAX operates an on-line real estate system ("MY RE/MAX System") that, among other things, maintains information records about real estate properties. RE/MAX provides a web interface through its RE/MAX.com website accessible at, for example, http://www.remax.com/residential/property_search/advanced_search/default.aspx, that allows potential buyers in the United States, generally, and in the District of New Jersey to communicate with the MY RE/MAX System.

8. Upon information and belief, MY RE/MAX System allows potential buyers to create profiles, which are maintained via a database associated with the MY RE/MAX System.

9. Upon information and belief, MY RE/MAX System enables potential buyers to create and edit searches associated with their profile, and these searches are stored in a database associated with the MY RE/MAX System.

10. Upon information and belief, MY RE/MAX System sends e-mails to potential buyers based upon their profiles and searches; for example, if a new real estate listing matches the potential buyer's saved search that is associated with that buyer's profile.

11. Upon information and belief, MY RE/MAX System enables users to make notes and save notes regarding real estate listings in their search.

12. Upon information and belief, MY RE/MAX system performs the method of maintaining and distributing database information, the method comprising: communicating with at least one subscriber system to receive user input from a user at

said at least one subscriber system; maintaining a database of information records; maintaining user records in said database and linking said user records with said information records; controlling said database such that each information record is associated with at least one user, wherein controlling said database includes obtaining for inclusion in a message a plurality of information records having at least one common field entry; amending said information records in response to user input from said at least one subscriber system; and serving said message including said plurality of information records having at least one common field entry from said database to said at least one user associated with said information record.

13. By such acts, RE/MAX is in violation of 35 U.S.C. § 271(a) and has been and continues to infringe literally or under the doctrine of equivalents at least one or more claims of the '908 Patent directly by at least making, using, offering for sale, selling, and/or importing the MY RE/MAX system for maintaining, updating, and distributing by e-mail real estate information corresponding to a potential buyer's profile and/or saved searches.

14. Upon information and belief, RE/MAX encourages potential buyers to create and maintain profiles on MY RE/MAX System, to create and save searches on the MY RE/MAX system, and to sign up to receive e-mail alerts from the MY RE/MAX System.

15. Upon information and belief, RE/MAX is in violation of 35 U.S.C. § 271(b) and has been and continues to infringe indirectly at least one or more claims of the '908 Patent by knowingly and specifically intending to contribute or induce

infringement by others (*e.g.*, including but not limited to potential buyers) via at least the acts of advertisement and instructions to use the above-referenced MY RE/MAX System.

16. DDT has been damaged by the infringement of RE/MAX and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

17. RE/MAX is hereby on notice of the '908 Patent, and RE/MAX's postfiling acts of infringement will be willful and deliberate. DDT's decision not to seek a preliminary injunction should not be interpreted as condoning any of RE/MAX's postfiling infringement or conceding enhanced damages. Rather, DDT's decision not to seek a preliminary injunction is based on DDT's interest in conserving judicial resources. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, DDT demands judgment as follows:

- A. an order adjudging RE/MAX to have infringed the '908 Patent;
- B. a permanent injunction enjoining RE/MAX and its respective officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the '908 Patent;
- C. an award of damages adequate to compensate DDT for the infringement by RE/MAX along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provisions of 35 U.S.C. § 284, at least with respect to postfiling infringement;

- D. an award of DDT's reasonable attorney fees and expenses pursuant to the provisions of 35 U.S.C. § 285;
- E. an award of DDT's costs; and
- F. such other and further relief as this Court may deem just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), plaintiff hereby demands a trial by a jury on all issues so triable.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
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Technologies, LLC*

Dated: August 3, 2012

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, plaintiff and plaintiff's attorney are aware of *Data Distribution Technologies LLC v. Weichert Real Estate Affiliates, Inc.*, Civil Action No. 12-4149-JLL-MAH, filed on July 6, 2012, and of *Data Distribution Technologies LLC v. BRER Affiliates, Inc.*, which is being filed simultaneously herewith, and which involve the same plaintiff and assertion of the same patent against similar technologies and services to ones at issue here,.

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