

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIX-DDI, LLC,

Plaintiff,

v.

HOTELS.COM, L.P. and
HOTELS.COM GP LLC,

Defendants.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, CIVIX-DDI, LLC (“CIVIX”) brings this Complaint against defendants Hotels.com, L.P. and Hotels.com GP, LLC (collectively, “Hotels.com”) as follows:

THE PARTIES

1. CIVIX is a Colorado limited liability company having its principal place of business at 1220 Prince Street, Alexandria, Virginia 22314.

2. Hotels.com, L.P. is a Texas limited partnership having a place of business at 5400 LBJ Freeway, Suite 500, Dallas, Texas 75240. Hotels.com GP, LLC is a Texas limited liability company also having a place of business at 5400 LBJ Freeway, Suite 500, Dallas, Texas 75240.

3. Hotels.com owns and operates global interactive website at multiple URLs including, but not limited to, www.hotels.com and www.hoteles.com (“the Hotels.com websites”) that provide, among other things, location-based searching services relating to hotels. The Hotels.com websites are regularly used throughout the United States, including in this judicial district by persons who reside in Illinois and in this district.

4. Hotels.com, L.P. and Hotels.com GP, LLC are also defendants in a lawsuit entitled, *CIVIX-DDI, LLC v. Hotels.com L.P. and Hotels.com GP, LLC*, Civil Action No. 05 C

6869 (N.D. Ill.) (“the 2005 CIVIX v. Hotels.com Lawsuit”), which is pending before the Honorable Amy J. St. Eve. In the 2005 CIVIX v. Hotels.com Lawsuit, CIVIX has accused Hotels.com of infringement of CIVIX’s U.S. Patent No. 6,385,622, entitled “System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database” (“the ‘622 patent”), and U.S. Patent No. 6,415,291, entitled “System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database” (“the ‘291 patent”). The ‘622 patent and the ‘291 patent ultimately derive from U.S. Patent Application No. 08,371,425, filed on January 11, 1995 (“the ‘425 application”).

JURISDICTION AND VENUE

5. This is a complaint for patent infringement under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. § 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1400(b) and 1391(c).

PATENT INFRINGEMENT

6. CIVIX owns full right, title and interest in and has the sole and exclusive right to enforce and has standing to sue and recover damages for infringement of U.S. Patent No. 8,296,335, entitled “System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database” (“the ‘335 patent”) (Ex. A). Like the ‘622 patent and the ‘291 patent asserted in the 2005 CIVIX v. Hotels.com Lawsuit, the ‘335 patent ultimately derives from the ‘425 application.

7. The ‘335 patent was issued by the United States Patent and Trademark Office on October 23, 2012.

8. Hotels.com has directly infringed and/or actively induced infringement of at least claims 1, 2, 6, 8, 9, 10, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of the '335 patent through the Hotels.com websites. Hotels.com has committed these acts of infringement throughout the United States, including in this judicial district.

9. CIVIX has been injured by the infringement caused by Hotels.com and is entitled to damages adequate to compensate it for such infringement.

10. CIVIX has granted license and other rights under its patents to third parties. CIVIX's allegations of infringement against Hotels.com do not extend to activities covered by these license or other rights. In particular, the activities accused of infringement do not encompass Permitted Uses of MapQuest Technology as defined by the 1999 CIVIX-MapQuest Agreement.

REQUESTED RELIEF

WHEREFORE, CIVIX requests that a judgment be entered as follows:

A. An injunction prohibiting Hotels.com, and all those acting in concert or participation with Hotels.com, from further acts of infringement of the '335 patent;

B. An award to CIVIX of such damages as it can prove at trial against Hotels.com sufficient to fully and adequately compensate it for the acts of infringement that have occurred, said damages to be no less than a reasonable royalty with respect to each entity found to infringe any asserted claim of any asserted patent;

C. Such other relief as this Court and the jury may determine to be proper and just.

JURY DEMAND

A trial by jury is hereby demanded on all issues triable to a jury in this case.

Respectfully submitted,

/s/David J. Sheikh

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