

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COMMUNITY UNITED IP, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:12-cv-01135-LPS
)	
ORACLE CORPORATION, HSN, INC.,)	
ENTERPRISE RENT-A-CAR COMPANY,)	JURY TRIAL DEMANDED
THE HERTZ CORPORATION,)	
TRAVELOCITY.COM LP and)	
MATCH.COM, L.L.C.,)	
)	
Defendants.)	
_____)	

AMENDED COMPLAINT

For its Complaint, Plaintiff Community United IP, LLC ("CUIP"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. CUIP is a Delaware limited liability company with a place of business located at Four Seasons Business Park, 2-C Terrace Way, Greensboro, North Carolina 27403.

2. Defendant Oracle Corporation ("Oracle") is a Delaware corporation with, upon information and belief, a place of business located at 500 Oracle Parkway, Redwood City, California 94065.

3. Defendant HSN, Inc. ("HSN") is a Delaware corporation with, upon information and belief, a place of business located at 1 HSN Drive, St. Petersburg, Florida 33729.

4. Defendant Enterprise Rent-A-Car Company ("Enterprise") is a Delaware company with, upon information and belief, a place of business located at 600 Corporate

Park Drive, St. Louis, Missouri 63105. Upon information and belief, Enterprise is now known as Enterprise Holdings, Inc.

5. Defendant The Hertz Corporation ("Hertz") is a Delaware corporation with, upon information and belief, a place of business located at 225 Brae Boulevard, Park Ridge, New Jersey 07656.

6. Defendant Travelocity.com LP ("Travelocity") is a Delaware limited partnership with, upon information and belief, a place of business located at 3150 Sabre Drive, Southlake, Texas 76092.

7. Defendant Match.com, L.L.C. ("Match.com") is a Delaware limited liability company with, upon information and belief, a place of business at 8300 Douglas Avenue, Suite 800, Dallas, Texas 75225.

8. As described in further detailed below, customer service products and services provided by Oracle to and used by HSN, Enterprise, Hertz, Travelocity, Match.com infringe CUIP's patent.

JURISDICTION AND VENUE

9. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

10. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

11. Upon information and belief, each Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Delaware.

12. Venue is proper in this District pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

13. On January 19, 1999, United States Patent No. 5,862,223 (the "'223 patent"), entitled "Method And Apparatus For A Cryptographically-Assisted Commercial Network System Designed To Facilitate And Support Expert-Based Commerce," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '223 patent is attached hereto as Exhibit A.

14. CUIP is the assignee and owner of the right, title and interest in and to the '223 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,862,223

15. CUIP repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. The allegations of infringement contained herein arise, at least in part, out of the same series of occurrences relating to the use of the same accused products or processes, including but not limited to RightNow CX Cloud Service and RightNow Chat Cloud Service (collectively, "RightNow") and products and services based on or using RightNow, which, among other features, route a communication from an end user to a particular person and a response from that particular person to the end user. *See* Exhs. B-C.

17. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants have infringed and continue to infringe at least claim 121 of the '223 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, certain computer program products and services which use or incorporate RightNow or

features of RightNow, including without limitation electronically managing communications between an expert and an end user using RightNow or features of RightNow, applications developed using RightNow or features of RightNow or that utilize RightNow or features of RightNow in their operation, and RightNow.

18. Questions of fact common to all Defendants will arise in the action, including questions of fact relating to the infringement of the '223 patent.

19. Defendants will be deemed to have knowledge of the '223 patent and their infringement of the '223 patent at least as of September 14, 2012, the filing date of CUIP's initial Complaint.

20. Defendants have not altered their infringing conduct after being served CUIP's initial Complaint.

21. Upon information and belief, Defendants' continued infringement despite their knowledge of the '223 patent and CUIP's accusations of infringement has been objectively reckless and willful.

22. Upon information and belief, despite its knowledge of the '223 patent and CUIP's accusations of infringement, Oracle has actively, knowingly and intentionally induced, and continues to actively, knowingly and intentionally induce, infringement of the '223 patent by making, using, offering for sale, selling, and/or importing into the United States the products and services specified in Paragraph 17 with knowledge that its customers and end users will use, market, sell, offer to sell, and/or import those products and services; and with knowledge and specific intent to encourage and facilitate those infringing sales and uses of those products and services through the creation and dissemination of promotional and marketing materials, instructional materials, product manuals and technical materials.

23. CUIP is entitled to recover from Defendants the damages sustained by CUIP as a result of the their infringement of the '223 patent 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.

JURY DEMAND

CUIP hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, CUIP requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendants have infringed the '223 patent;
- B. An award of damages to be paid by Defendants adequate to compensate CUIP for their past infringement of the '223 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. To the extent Defendants' conduct subsequent to the date of their notice of the '223 patent is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for Defendants' willful infringement of the '223 patent;
- D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of CUIP's reasonable attorneys' fees; and
- E. An award to CUIP of such further relief at law or in equity as the Court deems just and proper.

Dated: November 16, 2012

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2012, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt
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