

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ORIENTVIEW TECHNOLOGIES LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. _____
	:	
SPY INC.	:	<b>JURY TRIAL DEMANDED</b>
	:	
Defendant.	:	
	:	

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**COMPLAINT**

Plaintiff Orientview Technologies LLC ("Plaintiff"), for its Complaint against Defendant Spy Inc. ("Defendant"), hereby alleges as follows:

**PARTIES**

1. Plaintiff is a Delaware limited liability company.
2. Upon information and belief, Defendant is a Delaware corporation having a principal place of business at 2070 Las Palmas Drive, Carlsbad, CA 92011. Upon information and belief, Defendant may be served with process through its registered agent, The Corporation Trust Company, at 1209 Orange Street, Wilmington, Delaware 19801.

**NATURE OF THE ACTION**

3. This is a civil action for the infringement of United States Patent No. 7,000,183 (the "'183 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

## **JURISDICTION AND VENUE**

4. 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.*

5. This Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

6. Upon information and belief, more specifically, Defendant, directly and/or through authorized intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) its products and services in the United States and the State of Delaware. Upon information and belief, Defendant has committed patent infringement in the State of Delaware. Defendant solicits customers in the State of Delaware. Defendant has many paying customers who are residents of the State of Delaware and who each use Defendant's products and services in the State of Delaware.

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

## **THE PATENT-IN SUIT**

8. Paragraphs 1-7 are incorporated by reference as if fully set forth herein.

9. On February 14, 2006, the '183 Patent entitled "Method And Apparatus For Viewer-Specific Presentation Of Information" was duly and lawfully issued by the United States Patent and Trademark Office ("PTO"). The '183 Patent is attached hereto as Exhibit A.

10. Plaintiff is the exclusive licensee of the '183 Patent and possesses all rights of recovery under the '183 Patent, including the right to sue and recover all damages for infringement thereof, including past infringement.

### **COUNT I – PATENT INFRINGEMENT**

11. Paragraphs 1-10 are incorporated by reference as if fully restated herein.

12. Upon information and belief and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe one or more claims of the '183 Patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, methods for computer-implemented method for viewer-specific presentation of information, the method using a computer comprising a CPU, a memory operatively connected to the CPU, and a program stored in the memory and executable by the CPU for presenting information, as provided via the website <http://www.spyoptic.com> (the "Defendant Website").

13. For purposes of the '183 Patent, the Defendant Website provides "We Also Suggest" recommendation features that provide a viewer-specific presentation of information. More specifically, recommendation features used by Defendant include the creation of a metadata database that includes a plurality of products, product categories, and product elements that encompass the goods available for purchase via the Defendant Website. The Defendant Website also tracks web analytic information for customers that are used to generate recommendations to the customer. Using the web analytic data, as well as other recommendation algorithms that analyze user generated data and predefined variables, the Defendant Website systems reference the established database to determine data states, data

types, and data elements that are associated with the selected viewer state. For example, when a customer requests information regarding a product for sale via the Defendant Website, the Defendant system determines a viewer state for the customer. After selecting the viewer state, the Defendant Website system then builds the "We Also Suggest" recommended products list by referencing the database to locate products associated with particular product categories (e.g., data types). Moreover, these products are associated with various product attributes (e.g., data elements) such as price, name, etc. The "We Also Suggest" recommended products list is then displayed to the customer.

14. To the extent such notice may be required, Defendant received actual notice of its infringement of the '183 Patent at least as early as the filing of the original complaint in this action, pursuant to 35 U.S.C. § 287(a).

15. Defendant's aforesaid activities have been, intentional, without authority and/or license from Plaintiff.

16. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's 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.

17. Defendant's infringement of Plaintiff's exclusive rights under the '183 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 Orientview Technologies LLC respectfully requests that this Court enter judgment against Defendant Spy Inc. as follows:

- A. An adjudication that Defendant has infringed the '183 Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for its 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 Defendant's infringement, 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: December 20, 2012

STAMOULIS & WEINBLATT LLC

*/s/ Stamatios Stamoulis*

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