

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RED RIVER INNOVATIONS LLC,

Plaintiff,

V.

INFOLINKS, INC.,

Defendant.

Civil Action No. 2:16-cv-231

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff, Red River Innovations LLC (“RRI”), makes the following allegations against Defendant Infolinks, Inc. (“Infolinks” or “Defendant”):

THE PARTIES

1. Plaintiff RRI is a Texas limited liability company having its principal place of business at 7 Legato Way, The Woodlands, Texas 77382.

2. On information and belief, Infolinks is a Delaware corporation having its principal place of business at 505 Hamilton Avenue, Suite 220, Palo Alto, CA 94301.

NATURE OF THE ACTION

3. This is a civil action for the infringement of United States Patent Nos. 7,526,477 (“the ’477 Patent”), 8,275,785 (“the ’785 Patent”), 8,874,611 (“the ’611 Patent”), 8,275,776 (“the ’776 Patent”), and 8,880,533 (“the ’533 Patent”) (collectively, “the Patents-in-Suit”) 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, including 35 U.S.C. § 271, *et seq.*

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant, directly and/or through subsidiaries or intermediaries, has transacted business in this District, and has committed acts of patent infringement in this District.

6. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including (i) at least a portion of the infringements alleged herein; and (ii) directly and/or through subsidiaries or intermediaries, 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 Texas and in this District.

THE PATENTS-IN-SUIT

7. On April 28, 2009, the USPTO duly and legally issued the '477 Patent entitled "Method and apparatus for enhancing electronic reading by identifying relationships between sections of electronic text." A true and correct copy of the '477 Patent is attached as Exhibit A.

8. RRI owns the '477 Patent and holds the right to sue and recover damages for infringement thereof, including past infringement.

9. On September 25, 2012, the USPTO duly and legally issued the '785 Patent entitled "Method and apparatus for enhancing electronic reading by identifying relationships between sections of electronic text." A true and correct copy of the '785 Patent is attached as Exhibit B.

10. RRI owns the '785 Patent and holds the right to sue and recover damages for infringement thereof, including past infringement.

11. On October 28, 2014, the USPTO duly and legally issued the '611 Patent entitled "Method and apparatus for enhancing electronic reading by identifying relationships between sections of electronic text." A true and correct copy of the '611 Patent is attached as Exhibit C.

12. RRI owns the '611 Patent and holds the right to sue and recover damages for infringement thereof, including past infringement.

13. On September 25, 2012, the USPTO duly and legally issued the '776 Patent entitled "Method and apparatus for enhancing electronic reading by identifying relationships between

sections of electronic text.” A true and correct copy of the ’776 Patent is attached as Exhibit D.

14. RRI owns the ’776 Patent and holds the right to sue and recover damages for infringement thereof, including past infringement.

15. On November 4, 2014, the USPTO duly and legally issued the ’533 Patent entitled “Method and apparatus for enhancing electronic reading by identifying relationships between sections of electronic text.” A true and correct copy of the ’533 Patent is attached as Exhibit E.

16. RRI owns the ’533 Patent and holds the right to sue and recover damages for infringement thereof, including past infringement.

COUNT 1: INFRINGEMENT OF THE ’477 PATENT

17. Paragraphs 1-16 are incorporated by reference as if fully restated herein.

18. Defendant, directly or through intermediaries, has used, made, developed, published, distributed, advertised and/or operated Internet advertising products, including, but not limited to, InText.

19. Defendant has been and is now directly infringing and/or indirectly infringing the ’477 Patent by way of inducement, literally and/or under the doctrine of equivalents, in this District, and elsewhere, in violation of 35 U.S.C. § 271, by, among other things, using, making, developing, publishing, distributing, advertising and/or operating in the United States Internet advertising products that identify and provide additional reading material related to a concept within requested electronic text, including, but not limited to InText, which is covered by at least claim 1 of the ’477 Patent. For example, after a request for electronic text, the InText system automatically identifies and graphically presents additional reading material that is related to a concept within the requested electronic text.

20. On information and belief, Defendant has had knowledge of the ’477 Patent, as well as the fact that its publishers use Defendant’s technology on their websites to infringe the ’477 Patent, since at least the date this Complaint was filed.

21. On information and belief, Defendant actively induces customers, advertisers,

publishers, distributors, retailers and/or end users of its InText product to infringe the '477 Patent by, among other things, advertising and promoting its InText product, including, but not limited to, promotional materials on www.infolinks.com. For example, on its website, www.infolinks.com, Infolinks provides documentation for its API, videos, and other information intended to induce others to utilize its InText product.

22. On information and belief, Defendant engages in the foregoing activities because it specifically intends customers, publishers, distributors, retailers and/or end users to use, make, develop, publish, distribute, advertise and/or operate websites covered by at least claim 1 of the '477 Patent.

23. On information and belief, through Defendant's policies and practices of not investigating whether its products and services infringe the patents of others, Defendant intentionally took steps to avoid learning the extent of its infringement of the '477 Patent.

24. RRI has been damaged by Defendant's infringement of the '477 Patent.

COUNT 2: INFRINGEMENT OF THE '785 PATENT

25. Paragraphs 1-24 are incorporated by reference as if fully restated herein.

26. Defendant, directly or through intermediaries, has used, made, developed, published, distributed, advertised and/or operated Internet advertising products, including, but not limited to, InTag.

27. Defendant has been and is now directly infringing and/or indirectly infringing the '785 Patent by way of inducement, literally and/or under the doctrine of equivalents, in this District, and elsewhere, in violation of 35 U.S.C. § 271, by, among other things, using, making, developing, publishing, distributing, advertising and/or operating in the United States Internet advertising products that identify and provide additional reading material related to a concept within requested electronic text, including, but not limited to InTag, which is covered by at least claim 1 of the '785 Patent. For example, after a request for electronic text, the InTag system automatically identifies and graphically presents additional reading material that is related to a

concept within the requested electronic text.

28. On information and belief, Defendant has had knowledge of the '785 Patent, as well as the fact that its publishers use Defendant's technology on their websites to infringe the '785 Patent, since at least the date this Complaint was filed.

29. On information and belief, Defendant actively induces customers, publishers, distributors, retailers and/or end users of its InTag product to infringe the '785 Patent by, among other things, advertising and promoting its InTag product, including, but not limited to, promotional materials on www.infolinks.com. For example, on its website, www.infolinks.com, Infolinks provides documentation for its API, videos, and other information intended to induce others to utilize its InTag product.

30. On information and belief, Defendant engages in the foregoing activities because it specifically intends customers, publishers, distributors, retailers and/or end users to use, make, develop, publish, distribute, advertise and/or operate websites covered by at least claim 1 of the '785 Patent.

31. On information and belief, through Defendant's policies and practices of not investigating whether its products and services infringe the patents of others, Defendant intentionally took steps to avoid learning the extent of its infringement of the '785 Patent.

32. RRI has been damaged by Defendant's infringement of the '785 Patent.

COUNT 3: INFRINGEMENT OF THE '611 PATENT

33. Paragraphs 1-32 are incorporated by reference as if fully restated herein.

34. Defendant, directly or through intermediaries, has used, made, developed, published, distributed, advertised and/or operated Internet advertising products, including, but not limited to, InTag.

35. Defendant has been and is now directly infringing and/or indirectly infringing the '611 Patent by way of inducement, literally and/or under the doctrine of equivalents, in this District, and elsewhere, in violation of 35 U.S.C. § 271, by, among other things, using, making,

developing, publishing, distributing, advertising and/or operating in the United States Internet advertising products that identify and provide additional reading material related to a concept within requested electronic text, including, but not limited to InTag, which is covered by at least claim 1 of the '611 Patent. For example, after a request for electronic text, the InTag system automatically identifies and graphically presents additional reading material that is related to a concept within the requested electronic text.

36. On information and belief, Defendant has had knowledge of the '611 Patent, as well as the fact that its publishers use Defendant's technology on their websites to infringe the '611 Patent, since at least the date this Complaint was filed.

37. On information and belief, Defendant actively induces customers, publishers, distributors, retailers and/or end users of its InTag product to infringe the '611 Patent by, among other things, advertising and promoting its InTag product, including, but not limited to, promotional materials on www.infolinks.com. For example, on its website, www.infolinks.com, Infolinks provides documentation for its API, videos, and other information intended to induce others to utilize its InTag product.

38. On information and belief, Defendant engages in the foregoing activities because it specifically intends customers, publishers, distributors, retailers and/or end users to use, make, develop, publish, distribute, advertise and/or operate websites covered by at least claim 1 of the '611 Patent.

39. On information and belief, through Defendant's policies and practices of not investigating whether its products and services infringe the patents of others, Defendant intentionally took steps to avoid learning the extent of its infringement of the '611 Patent.

40. RRI has been damaged by Defendant's infringement of the '611 Patent.

COUNT 4: INFRINGEMENT OF THE '776 PATENT

41. Paragraphs 1-40 are incorporated by reference as if fully restated herein.

42. Defendant, directly or through intermediaries, has used, made, developed,

published, distributed, advertised and/or operated Internet advertising products, including, but not limited to, InTag.

43. Defendant has been and is now directly infringing and/or indirectly infringing the '776 Patent by way of inducement, literally and/or under the doctrine of equivalents, in this District, and elsewhere, in violation of 35 U.S.C. § 271, by, among other things, using, making, developing, publishing, distributing, advertising and/or operating in the United States Internet advertising products that identify and provide additional reading material related to a concept within requested electronic text, including, but not limited to InTag, which is covered by at least claim 1 of the '776 Patent. For example, after a request for electronic text, the InTag system automatically identifies and graphically presents additional reading material that is related to a concept within the requested electronic text.

44. On information and belief, Defendant has had knowledge of the '776 Patent, as well as the fact that its publishers use Defendant's technology on their websites to infringe the '776 Patent, since at least the date this Complaint was filed.

45. On information and belief, Defendant actively induces customers, publishers, distributors, retailers and/or end users of its InTag product to infringe the '776 Patent by, among other things, advertising and promoting its InTag product, including, but not limited to, promotional materials on www.infolinks.com. For example, on its website, www.infolinks.com, Infolinks provides documentation for its API, videos, and other information intended to induce others to utilize its InTag product.

46. On information and belief, Defendant engages in the foregoing activities because it specifically intends customers, publishers, distributors, retailers and/or end users to use, make, develop, publish, distribute, advertise and/or operate websites covered by at least claim 1 of the '776 Patent.

47. On information and belief, through Defendant's policies and practices of not investigating whether its products and services infringe the patents of others, Defendant intentionally took steps to avoid learning the extent of its infringement of the '776 Patent.

48. RRI has been damaged by Defendant's infringement of the '776 Patent.

COUNT 5: INFRINGEMENT OF THE '533 PATENT

49. Paragraphs 1-48 are incorporated by reference as if fully restated herein.

50. Defendant, directly or through intermediaries, has used, made, developed, published, distributed, advertised and/or operated Internet advertising products, including, but not limited to, InTag.

51. Defendant has been and is now directly infringing and/or indirectly infringing the '533 Patent by way of inducement, literally and/or under the doctrine of equivalents, in this District, and elsewhere, in violation of 35 U.S.C. § 271, by, among other things, using, making, developing, publishing, distributing, advertising and/or operating in the United States Internet advertising products that identify and provide additional reading material related to a concept within requested electronic text, including, but not limited to InTag, which is covered by at least claim 1 of the '533 Patent. For example, after a request for electronic text, the InTag system automatically identifies and graphically presents additional reading material that is related to a concept within the requested electronic text.

52. On information and belief, Defendant has had knowledge of the '533 Patent, as well as the fact that its publishers use Defendant's technology on their websites to infringe the '533 Patent, since at least the date this Complaint was filed.

53. On information and belief, Defendant actively induces customers, publishers, distributors, retailers and/or end users of its InTag product to infringe the '533 Patent by, among other things, advertising and promoting its InTag product, including, but not limited to, promotional materials on www.infolinks.com. For example, on its website, www.infolinks.com, Infolinks provides documentation for its API, videos, and other information intended to induce others to utilize its InTag product.

54. On information and belief, Defendant engages in the foregoing activities because it specifically intends customers, publishers, distributors, retailers and/or end users to use, make,

develop, publish, distribute, advertise and/or operate websites covered by at least claim 1 of the '533 Patent.

55. On information and belief, through Defendant's policies and practices of not investigating whether its products and services infringe the patents of others, Defendant intentionally took steps to avoid learning the extent of its infringement of the '533 Patent.

56. RRI has been damaged by Defendant's infringement of the '533 Patent.

PRAYER FOR RELIEF

Wherefore, Plaintiff RRI respectfully requests that this Court enter judgment against Defendant as follows:

- a) adjudging that the Defendant has infringed, literally or under the doctrine of equivalents, the '477 Patent;
- b) adjudging that the Defendant has infringed, literally or under the doctrine of equivalents, the '785 Patent;
- c) adjudging that the Defendant has infringed, literally or under the doctrine of equivalents, the '611 Patent;
- d) adjudging that the Defendant has infringed, literally or under the doctrine of equivalents, the '776 Patent;
- e) adjudging that the Defendant has infringed, literally or under the doctrine of equivalents, the '533 Patent;
- f) awarding RRI the damages to which it is entitled under 35 U.S.C. § 284 for Defendant's infringement;
- g) awarding RRI attorneys' fees pursuant to 35 U.S.C. § 285;
- h) awarding RRI pre-judgment and post-judgment interest on its damages; and
- i) awarding RRI such other and further relief in law or equity that the Court deems just and proper.

DEMAND FOR JURY TRIAL

RRI hereby demands a trial by jury on all claims and issues so triable.

Dated: March 16, 2016

Respectfully submitted,

By: /s/ Eric H. Findlay

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**ATTORNEYS FOR PLAINTIFF
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