

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

MONKEYMEDIA, INC.,)	CIVIL ACTION NO. ____
)	
Plaintiff,)	
)	JURY TRIAL DEMANDED
v)	
)	
WEST PUBLISHING)	
CORPORATION,)	
)	
Defendant.		

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MONKEYmedia, Inc. (“MONKEYmedia”) alleges the following for its complaint against Defendant West Publishing Corporation (“Defendant” or “West”).

I. PARTIES

1. Plaintiff MONKEYmedia is a Texas corporation with its principal place of business in Austin, Texas.

2. Defendant West is a company organized under the laws of Minnesota with its headquarters at 610 Opperman Drive, Eagan, Minnesota.

II. JURISDICTION AND VENUE

3. Plaintiff MONKEYmedia asserts causes of action under 35 U. S. C. § 271 for infringement of United States Patents owned by MONKEYmedia. This Court has original and exclusive subject matter jurisdiction over these claims under 28 U. S. C. §§ 1331 and 1338(a). Defendant is subject to personal jurisdiction, because it is incorporated in this State.

4. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b)-(c) and §1400(b), because Defendant resides in this District.

III. FACTUAL BACKGROUND

A. MONKEYmedia

5. Eric Gould Bear, the founder of MONKEYmedia, is a prolific inventor and is named as the first inventor in over 100 patents and patent applications. These include the issued patents in the “Seamless Contraction” patent family that are described below. The claims in the Seamless Contraction patents that are relevant to Defendant’s infringement at issue concern the summarization and/or variable display of text, based on the saliency of the content. MONKEYmedia is the owner by assignment of all right, title and interest in and to the Seamless Contraction Patents.

i. The ’938 Patent

6. U. S. Patent No. 6,177,938 (’938) owned by MONKEYmedia is directed towards a computer user interface with non-salience de-emphasis. The inventions claimed in the ’938 patent have special significance for computer systems that have the capability to control the display of different versions of the same text, depending on selected parameters. For example, the inventions gave computer systems the ability to display a “long” version of the content when a particular parameter is selected and display a “shorter” version of the content, or perhaps a summary of the content, if a different parameter is selected. The ’938 Patent, which is now expired, issued on January 23, 2001 and has a priority date of December 14, 1992.

ii. The '052 Patent

7. U. S. Patent No. 6,219,052 ('052) owned by MONKEYmedia is directed towards a computer user interface with non-salience de-emphasis. The inventions claimed in the '052 patent also had special significance for computer systems that have the capability to control the display of different versions of the same text, depending on selected parameters. The '052 Patent, which is now expired, issued on April 17, 2001 and has a priority date of December 14, 1992.

iii. The '730 Patent

8. U. S. Patent No. 6,335,730 ('730) owned by MONKEYmedia is also directed towards a computer user interface with non-salience de-emphasis. The inventions claimed in the '730 patent have special significance for computer systems that have the capability to control the display of different versions of the same text, depending on selected parameters. The '730 Patent, which is now expired, issued on January 1, 2002 and has a priority date of December 14, 1992.

iv. The '126 Patent

9. U. S. Patent No. US 8,381,126 ('126) owned by MONKEYmedia is also directed towards a computer user interface with non-salience de-emphasis. The inventions claimed in the '126 patent include computer readable media and computer-enabled methods used to control the display of different versions of the same text, depending on selected parameters. The '126 Patent, which is now expired, issued on February 19, 2013 and has a priority date of December 14, 1992.

B. Defendant West's Infringing Products

10. West owns and operates the Westlaw platform, one of the primary online legal research tools for lawyers. West's "Westlaw Classic" platform was in operation from at least 2009 through 2014. West introduced the WestlawNext platform on February 8, 2010. This platform continued until February 2016, when it was renamed Thomson Reuters Westlaw. West also has a research tool called Westkm which essentially allows an organization to index and conduct full-text searches of its own documents using the Westlaw Classic and WestlawNext platforms. West also has a platform called West Case Notebook that allows a user to organize and conduct full-text searches of documents, such as depositions, exhibits, cases and briefs, that are relevant to a particular case. These platforms are collectively referred to herein as the Accused Products and were offered on a subscription basis to legal professionals and other customers during the terms of the patents in suit.

11. The Accused Products each had an interface that allowed a user to search numerous databases for salient documents by using user-defined parameters, and then returned search results based on those parameters. Rather than displaying the full text of each document that was retrieved during the search, the Accused Products caused the computer to display only the salient excerpts from each of the documents, thereby allowing salient portions from several different documents to be displayed at one time. For example, if a user elected the "Texas cases" database on the WestlawNext platform and entered the search term "excited utterance" in the search box, WestlawNext retrieved salient Texas cases and caused the computer to display excerpts from several of those cases that

contained the highlighted phrase “excited utterance.” The user then had an option of displaying the full content of the selected cases. The user could also control the amount of detail in each of the displayed excerpts. For example, the WestlawNext interface included a “detail control” button by which the user can control the level of detail in the search results.

C. West’s Knowledge of its Infringement

12. Long before MONKEYmedia filed this lawsuit, Defendant West had actual knowledge that Eric Gould Bear had conceived and reduced to practice inventions relating to summarization and/or variable display of text, based on the saliency of the content. It also had actual knowledge of the patents in suit and how it was infringing those patents. Despite having this actual knowledge of the patents at issue, Defendant West continued to distribute the Accused Products during the term of the patents in suit and told MONKEYmedia that it was no longer interested in discussing licensing of the patents in suit unless MONKEYmedia sued for patent infringement.

IV. CAUSES OF ACTION

A. Infringement of the ’938 Patent

13. MONKEYmedia reincorporates by reference and realleges paragraphs 1 through 10 above as if fully set forth herein.

14. Defendant West, without authority, consent, right, or license, actively induced its customers to directly infringe at least claims 1 and 3 of the ’938 Patent by encouraging such customers to use computer systems that include the Accused Products. This conduct constitutes infringement under 35 U.S.C. § 271(b).

15. Defendant West also sold and offered for sale, or otherwise distributed in the United States, features or applications incorporated in the Accused Products that are components of the systems claimed by at least claims 1 and/or 3 of the '938 patent, knowing that such features were especially made and adapted for use in infringing the '938 patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use. The end users directly infringed at least claims 1 and/or 3 of the '938 Patent by using their computer systems that included the Accused Products. This conduct constitutes contributory infringement under 35 U.S.C. § 271(c).

16. As a result of Defendant West's infringement of the '938 Patent, MONKEYmedia has been damaged. Moreover, Defendant West's infringement of the '938 patent is willful, and makes this lawsuit an exceptional case under 35 U. S. C. § 285.

B. Infringement of the '052 Patent

17. MONKEYmedia reincorporates by reference and realleges paragraphs 1 through 10 above as if fully set forth herein.

18. Defendant West, without authority, consent, right, or license, actively induced its customers to directly infringe at least claim 2 of the '052 Patent by encouraging such customers to use computer systems that included the Accused Products Accused Products on their computer systems. This conduct constitutes infringement under 35 U.S.C. § 271(b).

19. Defendant West also sold and offered for sale, or otherwise distributed in the United States, features or applications incorporated in the Accused Products that are components of the systems claimed by at least claim 2 of the '052 patent, knowing that

such features were especially made and adapted for use in infringing the '052 patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use. The end users directly infringed at least claim 2 of the '052 Patent by using their computer systems that included the Accused Products. This conduct constitutes contributory infringement under 35 U.S.C. § 271(c).

20. As a result of Defendant West's infringement of the '052 Patent, MONKEYmedia has been damaged. Moreover, Defendant West's infringement of the '052 patent is willful, and makes this lawsuit an exceptional case under 35 U.S.C. § 285.

C. Infringement of the '730 Patent

21. MONKEYmedia reincorporates by reference and realleges paragraphs 1 through 10 above as if fully set forth herein.

22. Defendant West, without authority, consent, right, or license, actively induced its customers to directly infringe at least claims 1, 6, 7 and 8 of the '730 Patent by encouraging such customers to use their computer systems that included the Accused Products. This conduct constitutes infringement under 35 U.S.C. § 271(b).

23. Defendant West also sold and offered for sale, or otherwise distributed in the United States, features or applications incorporated in the Accused Products that are components of the systems claimed by at least claims 1, 6, 7 and 8 of the '730 patent, knowing that such features were especially made and adapted for use in infringing the '730 patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use. The end users directly infringed these claims by using their computer

systems that included the Accused Products. This conduct constitutes contributory infringement under 35 U.S.C. § 271(c).

24. As a result of Defendant West's infringement of the '730 Patent, MONKEYmedia has been damaged. Moreover, Defendant West's infringement of the '730 patent is willful, and makes this lawsuit an exceptional case under 35 U.S.C. § 285.

D. Infringement of the '126 Patent

25. MONKEYmedia reincorporates by reference and realleges paragraphs 1 through 10 above as if fully set forth herein.

26. Defendant West has, without authority, consent, right, or license, and in direct infringement of the '126 patent in violation of 35 U.S.C. § 271(a), made, used, offered for sale, and sold in this country the Accused Products. Specifically, one or more of the Accused Products include computer readable media comprising instructions that cause computer systems to perform the steps in many of the claims in the '126 Patent, including at least claims 1-4, 6, 9, 10-12, 14, 17-19, 20-21, 46-48, 50-51, 52-59, 61-65, 67-70.

27. Defendant West, without authority, consent, right, or license, has also actively induced its customers to directly infringe the claims in the '126 Patent identified above by encouraging such customers to use the Accused Products on their computer systems. Defendant West has also actively induced customers to use their computer systems in conjunction with the Accused Products to perform the methods claimed in claims 70-75, and 77-79 of the '126 Patent. This conduct constitutes infringement under 35 U.S.C. § 271(b).

28. Defendant West also sold and offered for sale, or otherwise distributed in the United States, features or applications incorporated in the Accused Products, knowing that such features were especially made and adapted for use in infringing the claims in the '126 Patent identified above, and not a staple article or commodity of commerce suitable for substantial non-infringing use. The end users and/or the computer systems used by end users directly infringed at least the claims identified above as a result of the Accused Products being used on their computer systems. This conduct constitutes contributory infringement under 35 U.S.C. § 271(c).

29. As a result of Defendant West's infringement of the '126 Patent, MONKEYmedia has been damaged. Moreover, Defendant West's infringement of the '126 patent is willful, and makes this lawsuit an exceptional case under 35 U.S.C. § 285.

V. JURY DEMAND

30. MONKEYmedia demands a trial by jury on all issues.

VI. PRAYER

WHEREFORE, MONKEYmedia respectfully requests the following relief:

(a) That this Court find Defendant West has committed acts of patent infringement in violation of the Patent Act, 35 U.S.C. § 271;

(b) That this Court enter judgment that:

(i) MONKEYmedia is the owner of the MONKEYmedia '938, '052, '730 and '126 Patents and all rights of recovery thereunder;

(ii) the MONKEYmedia '938, '052, '730 and '126 Patents are valid and enforceable; and

(iii) Defendant West has willfully infringed the MONKEYmedia '938, '052, '730 and '126 Patents ;

(c) That the Court award MONKEYmedia damages of no less than a reasonable royalty that have been incurred as a result of Defendant West's patent infringement, with both pre-judgment and post-judgment interest;

(d) That, because of Defendant West's willful infringement of the MONKEYmedia '938, '052, '730 and '126 Patents, the damages to MONKEYmedia be increased pursuant to 35 U.S.C. § 284 by three times the amount found or assessed;

(e) That this case be judged an exceptional case and MONKEYmedia be awarded its attorneys' fees in this action pursuant to 35 U.S.C. § 285;

(f) That this Court award MONKEYmedia its costs and disbursements in this action; and

(g) That this Court grant MONKEYmedia all further relief to which it may be entitled.

Respectfully submitted,

Dated: April 19, 2017

WINTHROP & WEINSTINE, P.A.

By: s/Devan V. Padmanabhan
Devan V. Padmanabhan #240126
Paul J. Robbennolt #240497
225 South Sixth Street, Suite 3500
Minneapolis, Minnesota 55402
Phone: (612) 604-6400
Fax: (612) 604-6800
dpadmanabhan@winthrop.com
probbennolt@winthrop.com

and

GRAVES, DOUGHERTY, HEARON &
MOODY
A Professional Corporation
Steven D. Smit (appearing pro hac vice)
State Bar ID No. 18527500
Matthew C. Powers (appearing pro hac vice)
State Bar ID No. 24046650
401 Congress Avenue, Suite 2200, P. O. Box 98
Austin, TX 78701
Tel: 512-480-5600
Fax: 512- 480-5853
ssmit@gdhm.com
mpowers@gdhm.com

*ATTORNEYS FOR PLAINTIFF
MONKEYMEDIA, INC.*

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