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Attorneys for Plaintiff
THE ACTIVE NETWORK, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE ACTIVE NETWORK, INC., a
Delaware corporation,

Plaintiff,

v.

SPORTS LOGIC GROUP, LLC, a Florida
corporation, d/b/a SPORTSLOGIC.NET,

Defendant.

Case No. '11CV1223 LAB NLS

COMPLAINT FOR:

(1) PATENT INFRINGEMENT;

**(2) INDIRECT PATENT
INFRINGEMENT; AND**

(3) UNFAIR COMPETITION

DEMAND FOR JURY TRIAL

For its complaint against defendant SPORTS LOGIC GROUP, LLC d/b/a SPORTSLOGIC.NET ("Sports Logic"), plaintiff THE ACTIVE NETWORK, INC. ("ACTIVE NETWORK") alleges as follows:

JURISDICTION AND VENUE

1. This civil action for patent infringement arises under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.* The Court has jurisdiction of this matter under 28 U.S.C. §§ 1338(a) and (b).

2. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b) because SPORTS LOGIC sells the accused products alleged herein within this judicial district, and the facts alleged herein and giving rise to the claims in this Complaint substantially occurred within this judicial district.

1 3. On information and belief, SPORTS LOGIC or its agents have transacted
2 business in the State of California and within this judicial district, and Defendant expected or
3 reasonably should have expected its acts to have consequences in the State of California and
4 within this judicial district. Thus, the Court has personal jurisdiction over Defendant.

5 4. The Court's exercise of jurisdiction over the person of the Defendant comports
6 with due process of law under the Fifth Amendment to the U.S. Constitution, and with the
7 California long-arm statute, California Code of Civil Procedure §410.10.

8 **PARTIES**

9 5. ACTIVE NETWORK is a Delaware corporation with its principal place of
10 business in San Diego, California. ACTIVE NETWORK is engaged in the business of
11 marketing and providing integrated technology platforms, marketing services and online
12 media properties that encourage and enable participation in activities and events with an
13 emphasis on sports activities and events.

14 6. On information and belief, defendant SPORTS LOGIC is a Florida corporation
15 with its principal place of business in Weston, Florida. SPORTS LOGIC is engaged in the
16 business of marketing and distributing centralized management software and other products
17 to manage sports teams or sports events through a centrally-accessible web portal.

18 **FACTS COMMON TO ALL CLAIMS**

19 7. ACTIVE NETWORK is the owner of United States Letters Patent No.
20 6,289,348 (the "'348 PATENT'") which was issued on September 11, 2001 and is entitled
21 "Method and System of Electronically Receiving and Processing Membership Information of
22 an Organization."

23 8. The '348 PATENT claims both a group organizational system operational as a
24 computer program on a computer network, and a roster database that communicates with a
25 host server. The organizational system component of the '348 PATENT generally relates to a
26 computer network providing communication between a host server and remote users. The
27 roster database component of the '348 PATENT generally relates to a database in
28 communication with the host server.

1 disregard of ACTIVE NETWORK's rights in the '348 PATENT. Accordingly, this case is
2 exceptional within the purview of 35 U.S.C. §§ 284 and 285, and ACTIVE NETWORK is
3 entitled to enhanced damages, costs, and an award of attorneys' fees.

4 16. ACTIVE NETWORK has been and continues to be damaged by the unlawful
5 infringing activities of SPORTS LOGIC and will be irreparably harmed unless the unlawful
6 infringing activities are preliminarily and permanently enjoined by this Court as provided by
7 35 U.S.C. § 283.

8 **COUNT TWO**

9 **(INDIRECT PATENT INFRINGEMENT)**

10 17. ACTIVE NETWORK refers to, re-alleges, and incorporates herein by this
11 reference, each and every allegation in the foregoing paragraphs, as though fully set forth
12 herein.

13 18. Upon information and belief, SPORTS LOGIC has been and is now unlawfully
14 inducing others to infringe and/or contributorily infringe, literally or under the doctrine of
15 equivalents, the claims of the '348 PATENT by using, offering to sell, advertising for sale
16 and selling SPORTS LOGIC's ACCUSED PRODUCT in this judicial district and throughout
17 the United States, in violation of 35 U.S.C. § 271(b) and/or § 271(c).

18 19. SPORTS LOGIC had knowledge and notice of the '348 PATENT and its
19 activities constitute knowing and willful patent infringement. ACTIVE NETWORK has been
20 and continues to be damaged by SPORTS LOGIC's unlawful infringing activities and will be
21 irreparably harmed unless the unlawful infringing activities are preliminarily and permanently
22 enjoined by this Court as provided by 35 U.S.C. § 271(b).

23 20. Upon information and belief, ACTIVE NETWORK has suffered and continues
24 to suffer lost sales and in turn damages as a direct result of the unlawful infringement of the
25 '348 PATENT by SPORTS LOGIC. Under 35 U.S.C. § 284, ACTIVE NETWORK is
26 entitled to damages to be established at trial or upon an accounting adequate to compensate
27 for the infringement, including lost profits, but not less than a reasonable royalty.

28 ///

21. Upon information and belief, SPORTS LOGIC's infringement of the '348 PATENT is willful and done with an intent to harm ACTIVE NETWORK or in reckless disregard for the rights of ACTIVE NETWORK. Therefore, this is an exceptional case and ACTIVE NETWORK is entitled to enhanced damages under 35 U.S.C. § 284.

22. This is an exceptional case under 35 U.S.C. § 285 entitling ACTIVE NETWORK to its reasonable attorneys' fees.

23. ACTIVE NETWORK has been and continues to be damaged by the unlawful infringing activities of SPORTS LOGIC and will be irreparably harmed unless the unlawful infringing activities are preliminarily and permanently enjoined by this Court as provided by 35 U.S.C. § 283.

COUNT THREE

(UNFAIR COMPETITION)

[Cal. Bus. & Prof. Code § 17200 *et seq.*]

24. ACTIVE NETWORK refers to, re-alleges, and incorporates herein by this reference, each and every allegation in the foregoing paragraphs, as though fully set forth herein.

25. California Business & Professions Code § 17200 *et seq.* provides that unfair competition means and includes "any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising."

26. By and through SPORTS LOGIC's conduct, including the conduct detailed above, SPORTS LOGIC has engaged in activities that constitute unlawful, unfair, and fraudulent business practices prohibited by Business & Professions Code § 17200 *et seq.*

27. SPORTS LOGIC's acts of intentional and willful patent infringement as alleged above constitute unfair competition actionable under the laws of the State of California as fraudulent business acts or practices in that these acts violate the patent laws. Specifically, and without limitation, the ACCUSED PRODUCT infringes the '348 PATENT either directly or indirectly under the doctrine of equivalents. Further, SPORTS LOGIC's sale, offering for sale, distribution and/or advertising of the ACCUSED PRODUCT has had a

1 significant negative impact on the commercial value of and market for ACTIVE
2 NETWORK's products.

3 28. SPORTS LOGIC's acts of infringement as alleged above are unlawful, unfair,
4 fraudulent, deceptive, misleading, and untrue and constitute a violation of Business &
5 Professions Code Section 17200 *et seq.* ACTIVE NETWORK reserves the right to identify
6 additional violations by SPORTS LOGIC as may be established through discovery.

7 29. As a result of SPORTS LOGIC's acts of unfair competition, ACTIVE
8 NETWORK has suffered and will continue to suffer irreparable harm, and ACTIVE
9 NETWORK has no adequate remedy at law with respect to this injury. Unless the acts of
10 unfair competition are enjoined by this Court, ACTIVE NETWORK will continue to suffer
11 irreparable harm.

12 30. As a direct and legal result of SPORTS LOGIC's unlawful, unfair, and
13 fraudulent conduct described above, SPORTS LOGIC has been and will continue to be
14 unjustly enriched with ill-gotten gains.

15 **WHEREFORE, ACTIVE NETWORK prays for relief against SPORTS LOGIC**
16 **as follows:**

17 1. For judgment that SPORTS LOGIC has infringed, contributorily infringed
18 and/or induced the infringement of, at least one claim of the '348 PATENT;

19 2. That ACTIVE NETWORK recover damages, jointly and severally, against
20 SPORTS LOGIC under 35 U.S.C. § 284 in an amount to be determined at trial or by
21 accounting for the lost profits, but no less than a reasonable royalty, on all sales of the
22 ACCUSED PRODUCT, plus pre-judgment and post-judgment interest;

23 3. That the damages awarded pursuant to the preceding paragraph be increased to
24 three times the amount awarded because this is an exceptional case under 35 U.S.C. § 284;

25 4. That the Court declare this is an exceptional case and ACTIVE NETWORK be
26 awarded all of its attorneys' fees in connection with this matter under 35 U.S.C. § 285;

27 5. That the Court preliminarily and/or permanently enjoin and restrain defendants,
28 their officers, agents, servants, employees and those persons in active concert or participation

1 with any of them, from further acts of infringement for the remaining life of the '348
2 PATENT under 35 U.S.C. § 283;

3 6. For judgment that SPORTS LOGIC's conduct constitutes unlawful, unfair,
4 and/or fraudulent business practices within the meaning of California's Unfair Competition
5 Act, and California Business and Professions Code sections 17200, *et seq.*;

6 7. That the Court award restitution, disgorgement, injunctive relief and all other
7 relief allowed under Cal. Bus. Prof. Code §§ 17200 *et seq.*;

8 8. That the Court award punitive damages for intentional and willful acts;

9 9. For an award of all costs of this action;

10 10. Assess prejudgment interest on the damages so awarded and computed above;
11 and

12 11. For such other and further relief as this court may deem just and proper.
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14 Dated: June 3, 2011

By: /s/Matthew D. Murphey

Matthew D. Murphey
TROUTMAN SANDERS, LLP
Attorneys for Plaintiff
THE ACTIVE NETWORK, INC.
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JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, ACTIVE NETWORK requests a jury trial of all issues that may be tried to a jury in this action.

Dated: June 3, 2011

By: /s/Matthew D. Murphey
Matthew D. Murphey
TROUTMAN SANDERS, LLP
Attorneys for Plaintiff
THE ACTIVE NETWORK, INC.

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

THE ACTIVE NETWORK, INC., a Delaware corporation

(b) County of Residence of First Listed Plaintiff San Diego, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Matthew D. Murphey, TROUTMAN SANDERS, 550 West B Street,
Suite 400, San Diego, CA 92101 (619) 235-4040

DEFENDANTS

SPORTS LOGIC GROUP, LCC, a Florida corporation, d/b/a SPORTSLOGIC.NET

County of Residence of First Listed Defendant Broward County, FL
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'11CV1223 LAB NLS**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/03/2011

SIGNATURE OF ATTORNEY OF RECORD

/s/ Matthew D. Murphey

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____