

## COMPLAINT

1. Plaintiff Kenexa BrassRing, Inc. (“Kenexa BrassRing”) is a Delaware corporation having its corporate headquarters at 650 East Swedesford Road, Wayne, Pennsylvania 19087.

2. On information and belief, defendant Taleo Corporation (“Taleo”) is a Delaware corporation having a principal place of business at 4140 Dublin Boulevard, Suite 400, Dublin, California.

3. This action arises under the patent laws of the United States and the Declaratory Judgments Act, 28 U.S.C. §§2201 and 2202. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

4. This Court has personal jurisdiction over Taleo because it is a Delaware corporation and is therefore a resident of the State of Delaware, as well as, on information and belief, by virtue of its continuous and systematic contacts with Delaware in the normal course of its business.

## Background

5. For several years and up to and including May 31, 2011, Kenexa BrassRing used the services of RealResume Corporation (“RealResume”) for processing electronic resumes in

the context of Kenexa BrassRing's business of providing recruiting solutions including at least the Kenexa 2x BrassRing™ solution.

6. Upon information and belief, during at least some portion of the time that RealResume was providing services to Kenexa BrassRing, RealResume held rights in U.S. Patent Nos. 5,758,324 (Exhibit 1 hereto), 6,564,188 (Exhibit 2 hereto), 6,718,340 (Exhibit 3 hereto), 6,718,345 (Exhibit 4 hereto), and 7,668,886 (Exhibit 5 hereto), each of which is entitled "Resume Storage and Retrieval System" and each of which lists Richard L. Hartman, Mary L. Hartman and Roy P. Massena as the inventors (collectively, the "Hartman Patents").

7. On or about May 10, 2011, when Kenexa BrassRing was engaged in discussions with RealResume to extend the term of its agreement to provide services to Kenexa BrassRing, RealResume informed Kenexa BrassRing that RealResume could only provide such services on condition that Kenexa BrassRing obtain a license from the new assignee of the Hartman Patents.

8. Information available through the United States Patent and Trademark Office's "Assignments on the Web" database indicates that the Hartman patents were assigned by RealResume to Taleo on April 25, 2011, and that information regarding such assignments were recorded in the United States Patent and Trademark Office on May 9, 2011.

9. Upon information and belief, prior to obtaining an assignment in the Hartman Patents, Taleo did not use RealResume's services and did not have a license under the Hartman Patents.

10. Taleo is presently involved in a series of lawsuits involving Kenexa BrassRing and its related entities.

11. The first such lawsuit to have been filed is the patent infringement action of *Kenexa BrassRing, Inc. v. Taleo Corporation*, C.A. No. 07-521 (SLR) pending in this Court.

12. After Kenexa BrassRing filed the complaint in the C.A. No. 07-521 matter, Taleo has asserted claims against Kenexa BrassRing and various of its related entities and employees, in this Court as well as in the Northern District of Georgia.

13. Upon information and belief, at least in part, the claims that Taleo has asserted against Kenexa BrassRing in this Court and in the Northern District of Georgia were designed to gain leverage against Kenexa BrassRing, in an attempt to obtain a resolution of the 07-521 matter.

14. Upon information and belief, one of Taleo's reasons for acquiring the Hartman Patents is to assert those patents against Kenexa BrassRing. In this context, Taleo has proposed that Kenexa BrassRing obtain a license under the Hartman Patents.

15. All claims of the Hartman patents are invalid for failure to comply with one or more of the requirements of 35 U.S.C. §§1 *et seq.*, including without limitation §§101, 102, 103 and/or 112.

16. An actual controversy exists between Kenexa BrassRing and Taleo regarding the Hartman Patents of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

**First Cause of Action**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 5,758,324)**

17. Kenexa BrassRing incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

18. There is an actual controversy as to whether Kenexa BrassRing is liable for any infringement of U.S. Patent No. 5,758,324.

19. There can be no such liability because all claims of U.S. Patent No. 5,758,324 are invalid for failure to comply with one or more of the requirements of 35 U.S.C. §§1 *et seq.*, including without limitation §§101, 102, 103 and/or 112.

20. The Court should declare that all claims of U.S. Patent No. 5,758,324 are invalid.

**Second Cause of Action**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 6,564,188)**

21. Kenexa BrassRing incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

22. There is an actual controversy as to whether Kenexa BrassRing is liable for any infringement of U.S. Patent No. 6,564,188.

23. There can be no such liability because all claims of U.S. Patent No. 6,564,188 are invalid for failure to comply with one or more of the requirements of 35 U.S.C. §§1 *et seq.*, including without limitation §§101, 102, 103 and/or 112.

24. The Court should declare that all claims of U.S. Patent No. 6,564,188 are invalid.

**Third Cause of Action**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 6,718,340)**

25. Kenexa BrassRing incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

26. There is an actual controversy as to whether Kenexa BrassRing is liable for any infringement of U.S. Patent No. 6,718,340.

27. There can be no such liability because all claims of U.S. Patent No. 6,718,340 are invalid for failure to comply with one or more of the requirements of 35 U.S.C. §§1 *et seq.*, including without limitation §§101, 102, 103 and/or 112.

28. The Court should declare that all claims of U.S. Patent No. 6,718,340 are invalid.

**Fourth Cause of Action**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 6,718,345)**

29. Kenexa BrassRing incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

30. There is an actual controversy as to whether Kenexa BrassRing is liable for any infringement of U.S. Patent No. 6,718,345.

31. There can be no such liability because all claims of U.S. Patent No. 6,718,345 are invalid for failure to comply with one or more of the requirements of 35 U.S.C. §§1 *et seq.*, including without limitation §§101, 102, 103 and/or 112.

32. The Court should declare that all claims of U.S. Patent No. 6,718,345 are invalid.

**Fifth Cause of Action**  
**(Declaratory Judgment of Invalidity of U.S. Patent No. 7,668,886)**

33. Kenexa BrassRing incorporates by reference each of the foregoing paragraphs, as if fully stated herein.

34. There is an actual controversy as to whether Kenexa BrassRing is liable for any infringement of U.S. Patent No. 7,668,886.

35. There can be no such liability because all claims of U.S. Patent No. 7,668,886 are invalid for failure to comply with one or more of the requirements of 35 U.S.C. §§1 *et seq.*, including without limitation §§101, 102, 103 and/or 112.

36. The Court should declare that all claims of U.S. Patent No. 7,668,886 are invalid.

**Demand for Jury Trial**

Kenexa BrassRing hereby demands a trial by jury of all issues so triable in this action.

**Prayer for Relief**

WHEREFORE, Kenexa BrassRing respectfully requests the following relief:

A. Enter Judgment declaring that all claims of U.S. Patent No. 5,758,324 are invalid;

- B. Enter Judgment declaring that all claims of U.S. Patent No. 6,564,188 are invalid;
- C. Enter Judgment declaring that all claims of U.S. Patent No. 6,718,340 are invalid;
- D. Enter Judgment declaring that all claims of U.S. Patent No. 6,718,345 are invalid;
- E. Enter Judgment declaring that all claims of U.S. Patent No. 7,668,886 are invalid;
- F. Award Kenexa BrassRing its attorneys' fees and costs; and
- G. Award such other and further relief as this Court may deem just and proper.

OF COUNSEL:

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