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|---------------------------------|---|----------------------------|
| THE HARTFORD FIRE INSURANCE |) | |
| COMPANY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. _____ |
| |) | |
| THE PROGRESSIVE CORPORATION AND |) | |
| PROGRESSIVE CASUALTY INSURANCE |) | |
| COMPANY, |) | JURY TRIAL DEMANDED |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff The Hartford Fire Insurance Company (“The Hartford”) for its Complaint against The Progressive Corporation and Progressive Casualty Insurance Company (collectively, “Defendants”), alleges as follows:

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*, for infringement of U.S. Patent No. 7,174,318, U.S. Patent No. 7,685,190, U.S. Patent No. 7,945,497, U.S. Patent No. 8,019,739 and U.S. Patent No. 8,229,772 (collectively, the “Patents-In-Suit”).

2. Plaintiff The Hartford is a corporation organized and existing under the laws of the State of Connecticut, having a principal place of business at One Hartford Plaza, Hartford, Connecticut 06155.

3. Upon information and belief, Defendant The Progressive Corporation is a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 6300 Wilson Mills Road, Mayfield Village, Ohio 44143.

4. Upon information and belief, Defendant Progressive Casualty Insurance Company is a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 6300 Wilson Mills Road, Mayfield Village, Ohio 44143.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Upon information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process because, *inter alia*, Defendants are incorporated in the State of Ohio, and Defendants have purposefully availed themselves of the rights and benefits of the laws of this State and this Judicial District. Upon information and belief, Defendants make, operate and/or use, and have made, operated and/or used, infringing systems or methods in this State and this Judicial District. Upon information and belief, Defendants provide and have provided infringing systems that are operated and/or used in an infringing manner in this State and this Judicial District. Upon information and belief, Defendants also transact, and have transacted, substantial business in this State and this Judicial District, including without limitation, regularly doing or soliciting business, engaging in continuous and systematic contact, and/or deriving substantial revenue from insurance-related products and services provided to individuals and/or entities in this State and this Judicial District.

7. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b).

THE PATENTS-IN-SUIT

8. United States Patent No. 7,174,318 (“the ‘318 patent”), entitled “Method And System For An Online-Like Account Processing And Management” was duly and legally issued by the United States Patent and Trademark Office on February 6, 2007 to Richard Adelson, Kathy Barrett, Doug Bendel, Keven J. Busque, Daniel B. Chaput, Marie T. Engel, Marshall Kaplan, Beverly I. Kirby, John Lamb, Nora Medina, Sandra J. Meyerhofer, Jeff Ryan, Jean A. Sirica, Mark J. Smith, James Tsokalas and M. Kathleen Williams. The Hartford is the owner by assignment of all right, title and interest in and to the ‘318 patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ‘318 patent is attached hereto as Exhibit A.

9. United States Patent No 7,685,190 (“the ‘190 patent”), entitled “Method And System For An Online-Like Account Processing And Management,” was duly and legally issued by the United States Patent and Trademark Office on March 23, 2010 to Richard A. Adelson, Kathleen Barrett, Doug Bendel, Keven J. Busque, Daniel B. Chaput, Marie T. Engel, Marshall Kaplan, Beverly I. Kirby, John Lamb, Nora Medina, Sandra J. Meyerhofer, Jeffrey J. Ryan, Jean A. Sirica, Mark J. Smith, James Tsokalas and M. Kathleen Williams. The Hartford is the owner by assignment of all right, title and interest in and to the ‘190 patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ‘190 patent is attached hereto as Exhibit B.

10. United States Patent No. 7,945,497 (“the ‘497 patent”), entitled “System And Method For Utilizing Interrelated Computerized Predictive Modules,” was duly and legally issued by the United States Patent and Trademark Office on May 17, 2011 to Timothy P. Kenefick, Eric Besman and Theresa C. Murphy. The Hartford is the owner by assignment of all right, title and interest in and to the ‘497 patent, including the right to sue and recover for past

infringement thereof. A true and correct copy of the '497 patent is attached hereto as Exhibit C.

11. United States Patent No. 8,019,739 ("the '739 patent"), entitled "Method And System For An Online-Like Account Processing And Management," was duly and legally issued by the United States Patent and Trademark Office on September 13, 2011 to Richard A. Adelson, Kathleen Barrett, Doug Bendel, Keven J. Busque, Daniel B. Chaput, Marie T. Engel, Marshall Kaplan, Beverly I. Kirby, John Lamb, Nora Medina, Sandra J. Meyerhofer, Jeffrey J. Ryan, Jean A. Sirica, Mark J. Smith, James Tsokalas and M. Kathleen Williams. The Hartford is the owner by assignment of all right, title and interest in and to the '739 patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the '739 patent is attached hereto as Exhibit D.

12. United States Patent No. 8,229,772 ("the '772 patent"), entitled "Method And System For Processing Of Data Related To Insurance," was duly and legally issued by the United States Patent and Trademark Office on July 24, 2012 to Oai Tran, Lisa Napolitan, Stanley Nutkiewicz, Jane Statsky and Richard Stoller. The Hartford is the owner by assignment of all right, title and interest in and to the '772 patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the '772 patent is attached hereto as Exhibit E.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,174,318

13. The Hartford incorporates by reference as if fully set forth herein the allegations contained within Paragraphs 1-12.

14. Upon information and belief, Defendants have infringed, induced infringement of, and/or contributorily infringed, and continue to infringe, induce infringement of, and/or contributorily infringe, one or more claims of the '318 patent, in violation of 35 U.S.C. §271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere

in the United States, by their activities, including, but not limited to, making, operating and/or using systems or methods for processing account information, including through use of the PolicyPro insurance policy management system.

15. Upon information and belief, Defendants provide instructional materials and/or other assistance to customers and/or agents, including, *inter alia*, via the website www.Progressive.com, including the website available at <https://www.progressive.com/online-customer-service.aspx>, with the specific intent that customers and/or agents use systems and/or methods that infringe one or more claims of the '318 patent. Upon information and belief, Defendants had actual knowledge of the '318 patent, and knew or should have known that encouraging and/or assisting customers' and/or agents' use of such systems and/or methods would induce infringement of the '318 patent.

16. Defendants' infringing activities have caused and will continue to cause The Hartford irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

17. The Hartford has been and continues to be damaged by Defendants' infringement of the '318 patent in an amount to be determined at trial.

18. Upon information and belief, Defendants' infringement of the '318 patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284. Upon information and belief, even after Defendants knew, or should have known, of the '318 patent, Defendants continued their acts of infringement, as set forth above, despite an objectively high likelihood that those acts constitute infringement of a valid patent.

19. Upon information and belief, Defendants' infringement of the '318 patent is exceptional and entitles The Hartford to an award of its attorneys' fees and costs incurred in

prosecuting this action under 35 U.S.C. § 285.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,685,190

20. The Hartford incorporates by reference as if fully set forth herein the allegations contained within Paragraphs 1-12.

21. Upon information and belief, Defendants have infringed, induced infringement of, and/or contributorily infringed, and continue to infringe, induce infringement of, and/or contributorily infringe, one or more claims of the '190 patent, in violation of 35 U.S.C. §271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to, making, operating and/or using systems or methods for processing account information, including through use of the PolicyPro insurance policy management system.

22. Upon information and belief, Defendants provide instructional materials and/or other assistance to customers and/or agents, including, *inter alia*, via the website www.Progressive.com, including the website available at <https://www.progressive.com/online-customer-service.aspx>, with the specific intent that customers and/or agents use systems and/or methods that infringe one or more claims of the '190 patent. Upon information and belief, Defendants had actual knowledge of the '190 patent, and knew or should have known that encouraging and/or assisting customers' and/or agents' use of such systems and/or methods would induce infringement of the '190 patent.

23. Defendants' infringing activities have caused and will continue to cause The Hartford irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

24. The Hartford has been and continues to be damaged by Defendants' infringement

of the '190 patent in an amount to be determined at trial.

25. Upon information and belief, Defendants' infringement of the '190 patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284. Upon information and belief, even after Defendants knew, or should have known, of the '190 patent, Defendants continued their acts of infringement, as set forth above, despite an objectively high likelihood that those acts constitute infringement of a valid patent.

26. Upon information and belief, Defendants' infringement of the '190 patent is exceptional and entitles The Hartford to an award of its attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 7,945,497

27. The Hartford incorporates by reference as if fully set forth herein the allegations contained within Paragraphs 1-12.

28. Upon information and belief, Defendants have infringed, induced infringement of, and/or contributorily infringed, and continue to infringe, induce infringement of, and/or contributorily infringe, one or more claims of the '497 patent, in violation of 35 U.S.C. §271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to, making, operating and/or using systems or methods for handling insurance requests such as new coverage applications, renewal applications, and insurance quote requests, including without limitation automobile insurance quote requests, including through use of the website www.Progressive.com.

29. Upon information and belief, Defendants provide instructional materials and/or other assistance to customers and/or agents, including, *inter alia*, via the website www.Progressive.com, including the website available at <https://www.progressive.com/online->

customer-service.aspx, with the specific intent that customers and/or agents use systems and/or methods that infringe one or more claims of the '497 patent. Upon information and belief, Defendants had actual knowledge of the '497 patent, and knew or should have known that encouraging and/or assisting customers' and/or agents' use of such systems and/or methods would induce infringement of the '497 patent.

30. Defendants' infringing activities have caused and will continue to cause The Hartford irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

31. The Hartford has been and continues to be damaged by Defendants' infringement of the '497 patent in an amount to be determined at trial.

32. Upon information and belief, Defendants' infringement of the '497 patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284. Upon information and belief, even after Defendants knew, or should have known, of the '497 patent, Defendants continued their acts of infringement, as set forth above, despite an objectively high likelihood that those acts constitute infringement of a valid patent.

33. Upon information and belief, Defendants' infringement of the '497 patent is exceptional and entitles The Hartford to an award of its attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 8,019,739

34. The Hartford incorporates by reference as if fully set forth herein the allegations contained within Paragraphs 1-12.

35. Upon information and belief, Defendants have infringed, induced infringement of, and/or contributorily infringed, and continue to infringe, induce infringement of, and/or

contributorily infringe, one or more claims of the '739 patent, in violation of 35 U.S.C. §271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to, making, operating and/or using systems or methods for processing account information, including through use of the PolicyPro insurance policy management system.

36. Upon information and belief, Defendants provide instructional materials and/or other assistance to customers and/or agents, including, *inter alia*, via the website www.Progressive.com, including the website available at <https://www.progressive.com/online-customer-service.aspx>, with the specific intent that customers and/or agents use systems and/or methods that infringe one or more claims of the '739 patent. Upon information and belief, Defendants had actual knowledge of the '739 patent, and knew or should have known that encouraging and/or assisting customers' and/or agents' use of such systems and/or methods would induce infringement of the '739 patent.

37. Defendants' infringing activities have caused and will continue to cause The Hartford irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

38. The Hartford has been and continues to be damaged by Defendants' infringement of the '190 patent in an amount to be determined at trial.

39. Upon information and belief, Defendants' infringement of the '739 patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284. Upon information and belief, even after Defendants knew, or should have known, of the '739 patent, Defendants continued their acts of infringement, as set forth above, despite an objectively high likelihood that those acts constitute infringement of a valid patent.

40. Upon information and belief, Defendants' infringement of the '739 patent is exceptional and entitles The Hartford to an award of its attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 8,229,772

41. The Hartford incorporates by reference as if fully set forth herein the allegations contained within Paragraphs 1-12.

42. Upon information and belief, Defendants have infringed, induced infringement of, and/or contributorily infringed, and continue to infringe, induce infringement of, and/or contributorily infringe, one or more claims of the '772 patent, in violation of 35 U.S.C. §271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to, making, operating and/or using systems or methods for processing insurance-related data using an intermediary computer system in communication with an insurance computer system, and also in communication with user devices having browsers, including without limitation, through use of the website www.Progressive.com.

43. Upon information and belief, Defendants provide instructional materials and/or other assistance to customers and/or agents, including, *inter alia*, via the website www.Progressive.com, including the website available at <https://www.progressive.com/online-customer-service.aspx>, with the specific intent that customers and/or agents use systems and/or methods that infringe one or more claims of the '772 patent. Upon information and belief, Defendants had actual knowledge of the '772 patent, and knew or should have known that encouraging and/or assisting customers' and/or agents' use of such systems and/or methods would induce infringement of the '772 patent.

44. Defendants' infringing activities have caused and will continue to cause The Hartford irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

45. The Hartford has been and continues to be damaged by Defendants' infringement of the '772 patent in an amount to be determined at trial.

46. Upon information and belief, Defendants' infringement of the '772 patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284. Upon information and belief, even after Defendants knew, or should have known, of the '772 patent, Defendants continued their acts of infringement, as set forth above, despite an objectively high likelihood that those acts constitute infringement of a valid patent.

47. Upon information and belief, Defendants' infringement of the '772 patent is exceptional and entitles The Hartford to an award of its attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

DEMAND FOR TRIAL BY JURY

The Hartford hereby requests a trial by jury of all claims and all issues triable by jury in this action.

PRAYER FOR RELIEF

WHEREFORE, The Hartford respectfully requests that the Court enter a judgment:

A. That Defendants have directly and/or indirectly infringed one or more claims of each of the Patents-In-Suit;

B. Permanently enjoining Defendants and their directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing

from further acts of infringement, contributory infringement and inducement of infringement of the Patents-In-Suit;

C. Awarding The Hartford damages adequate to compensate it for Defendants' infringement of each of the Patents-In-Suit including pre-judgment and post-judgment interest at the maximum rate permitted by law;

D. Adjudging that Defendants' infringement of each of the Patents-In-Suit is willful and deliberate and, therefore, that The Hartford is entitled to treble damages as provided by 35 U.S.C. § 284;

E. Adjudging that Defendants' infringement of each of the Patents-In-Suit is willful and deliberate, and, therefore, that this is an exceptional case entitling The Hartford to an award of its attorneys' fees for bringing and prosecuting this action, together with interest, and costs of the action, pursuant to 35 U.S.C. § 285; and

F. Awarding to The Hartford such other and further relief as this Court deems proper and just.

Dated: September 28, 2012

Respectfully submitted,

By: s/George W. Rooney, Jr.
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