

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

Civil Action No. 12-CV-3255

INFONOW CORPORATION,  
d/b/a CHANNELINSIGHT

Plaintiff,

v.

ZYME SOLUTIONS, INC.

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT  
JURY TRIAL DEMANDED**

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Plaintiff, InfoNow Corporation, d/b/a Channelinsight, for its Complaint against Zyme Solutions, Inc. hereby alleges as follows:

**THE PARTIES**

1. Plaintiff InfoNow Corporation d/b/a Channelinsight (“Channelinsight”) is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business at 1875 Lawrence Street, Suite 1100, Denver, Colorado 80202.

2. On information and belief, Zyme Solutions, Inc. (“Zyme”) is a corporation duly organized and existing under the laws of the State of Delaware having its principal place of business at 240 Twin Dolphin Drive, Suite E, Redwood Shores, California 94065.

## JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. §§ 101 et seq. This Court has jurisdiction over Plaintiff's federal law claims under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has specific and/or general personal jurisdiction over Defendant Zyme because it has committed acts giving rise to this action within the judicial district and/or has established minimum contacts within Colorado and within this judicial district such that the exercise of jurisdiction over Defendant Zyme would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because Defendant Zyme has committed acts within this judicial district giving rise to this action, and continues to conduct business in this district, and/or has committed acts of patent infringement within this District giving rise to this action.

## CLAIM 1

### INFRINGEMENT OF U.S. PATENT 8,296,258 B2

6. Channelinsight re-alleges and incorporates by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

7. On October 23, 2012, United States Patent Number 8,296,258 B2 ("the '258 patent") entitled "Automated Channel Market Data Extraction and Transformation" was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the '258 patent is attached hereto as **Exhibit A**.

8. Channelinsight is the owner and assignee of all right, title, and interest in and to the '258 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

9. On information and belief, Defendant Zyme has been and now is infringing, literally and/or under the doctrine of equivalents, the '258 patent in the State of Colorado, in this judicial district, and elsewhere in the United States by, among other things, making, using, importing, offering to sell, and/or selling in the United States products and services that embody the inventions claimed in the '258 patent, including, but not limited to, it's channel data solutions products and services.

10. On information and belief, Defendant Zyme will continue to infringe the '258 patent unless enjoined by this Court.

11. Defendant Zyme's acts of infringement have damaged Channelinsight in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendant Zyme's infringement of Channelinsight's rights under the '258 patent will continue to damage Channelinsight causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

12. Channelinsight reserves the right to allege, after discovery, that Defendant's infringement of the '258 patent is willful and deliberate, entitling Plaintiff to increased damages under 35 U.S.C. § 284, and to attorneys' fees incurred in prosecuting this action under 35 U.S.C. § 285.

**PRAYER FOR RELIEF**

1. Wherefore, Channelinsight respectfully requests that this Court enter judgment against Defendant Zyme as follows:
- a. For judgment that Defendant Zyme has infringed and continues to infringe the claims of the '258 Patent;
  - b. For preliminary and permanent injunction against Defendant Zyme and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '258 Patent;
  - c. For an accounting of all damages caused by Defendant Zyme's acts of infringement;
  - d. For damages to be paid by Defendant Zyme adequate to compensate Channelinsight for Defendant Zyme's infringement, including interest, costs and disbursement as justified under 35 U.S.C. § 284;
  - e. For such relief at law and in equity as the Court may deem just and proper.

**DEMAND FOR A JURY TRIAL**

Channelinsight demands a trial by jury of all issues triable by a jury.

Dated: December 14, 2012.

SHOEMAKER GHISELLI + SCHWARTZ LLC

*/s/ Andrew R. Shoemaker*

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**Andrew R. Shoemaker**

*/s/ Cynthia Mitchell*

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**Cynthia Mitchell**

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**ATTORNEYS FOR PLAINTIFF  
CHANNELINSIGHT**