

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2011 JUL 28 P 12:28

CLERK U.S. DISTRICT COURT  
ALEXANDRIA, VIRGINIA

CIVIX-DDI, LLC,

Plaintiff,

v.

TRULIA, INC.,

Defendant.

Case No.: 3:11cv492(REP)

**COMPLAINT**

Plaintiff, CIVIX-DDI, LLC (“CIVIX”) brings this Complaint against defendant, Trulia, Inc. (“Trulia”) as follows:

**THE PARTIES**

1. CIVIX is a Colorado limited liability company having its principal place of business at 1220 Prince Street, Alexandria, Virginia 22314. CIVIX is in the business of developing and licensing location-based searching technologies.

2. Trulia is a Delaware corporation having its principal place of business at 116 New Montgomery Street, Suite 300, San Francisco, California 94105. Trulia operates the [www.trulia.com](http://www.trulia.com) website that provides location-based searching systems and services for real estate listings throughout the United States, including Virginia. Trulia’s location-based real estate searching systems and services are regularly used throughout the United States, including in this judicial district by persons who reside in Virginia.

### **JURISDICTION AND VENUE**

3. This is a complaint for patent infringement under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

### **THE PATENTS-IN-SUIT**

4. CIVIX owns full right, title and interest in and has the sole and exclusive right to enforce and has standing to sue and recover damages for infringement of U.S. Patent No. 6,385,622 ("the '622 patent"), entitled "System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database" (Exhibit A); and U.S. Patent No. 6,415,291 ("the '291 patent"), entitled "System and Methods for Remotely Accessing a Selected Group of Items of Interest From a Database" (Exhibit B). The '622 patent and the '291 patent ultimately derive from U.S. Patent Application No. 08/371,425, which was filed on January 11, 1995.

5. The '622 patent was issued by the United States Patent and Trademark Office ("USPTO") on May 7, 2002. The USPTO issued an Ex Parte Reexamination Certificate on September 22, 2009, confirming the patentability of claims 20 and 26. In addition, on May 5, 2011, the USPTO denied a third-party request for a reexamination of the '622 patent.

6. The '291 patent was issued by the USPTO on July 2, 2002. The USPTO issued an Ex Parte Reexamination Certificate on September 8, 2009, confirming the patentability of claims 8, 11-13, 16-19, 22 and 23. In addition, on May 5, 2011, the USPTO denied a third-party request for a reexamination of the '291 patent.

7. CIVIX has previously enforced the '622 patent and the '291 patent, including in this judicial district. CIVIX has granted hundreds of licenses under the '622 patent and the '291

patent, resulting in more than \$40 million in royalties. CIVIX's licensees include providers of location-based real estate searching systems and services of the type provided by Trulia through its [www.trulia.com](http://www.trulia.com) website.

### **PATENT INFRINGEMENT**

8. Trulia has infringed claims 20 and 26 of the '622 patent and at least claims 8, 22 and 23 of the '291 patent under 35 U.S.C. § 271(a) by making, using and providing systems, and using and providing services, for searching for and locating real estate through its [www.trulia.com](http://www.trulia.com) website.

9. CIVIX notified Trulia of the '622 patent and the '291 patent and their application to the [www.trulia.com](http://www.trulia.com) website by letter dated June 14, 2011. In that letter, CIVIX stated that “[w]e believe that claims 20 and 26 of the '622 patent and at least claims 8, 22 and 23 of the '291 patent apply to real estate searching systems and services provided by Trulia through its [www.trulia.com](http://www.trulia.com) website.”

10. Trulia has actively induced third parties, including users of the [www.trulia.com](http://www.trulia.com) website, to infringe claims 20 and 26 of the '622 patent under 35 U.S.C. § 271(b) by making, operating, providing, promoting and assisting in the use of systems, and by operating, providing, promoting and assisting in the use of services, for searching for and locating real estate through the [www.trulia.com](http://www.trulia.com) website.

11. Trulia has actively induced third parties, including users of the [www.trulia.com](http://www.trulia.com) website, to infringe claim 8 of the '291 patent under 35 U.S.C. § 271(b) by making, operating, providing, promoting and assisting in the use of systems, and by operating, providing, promoting and assisting in the use of services, for searching for and locating real estate through the [www.trulia.com](http://www.trulia.com) website.

12. Trulia has acted with at least willful blindness to the existence of CIVIX's patent rights and their application to the accused systems and services.

13. Trulia has committed the above acts of infringement throughout Virginia, including in this judicial district.

14. CIVIX has granted license and other rights under the '622 patent and the '291 patent to third parties. CIVIX's allegations of infringement against Trulia do not extend to activities covered by these licenses and other rights. In particular, the activities accused of infringement do not encompass Permitted Uses of MapQuest Technology as defined by the 1999 CIVIX-MapQuest Agreement.

15. CIVIX has been injured by Trulia's acts of infringement and is entitled to damages adequate to compensate it for all the infringement that has occurred. Moreover, Trulia's acts of infringement will continue unless enjoined by this Court.

16. Trulia's acts of infringement have been and continue to be willful.

#### **REQUESTED RELIEF**

WHEREFORE, CIVIX requests that a judgment be entered as follows:

- A. A finding that Trulia has infringed the '622 patent and the '291 patent;
- B. An injunction prohibiting Trulia, and all those acting in concert or participation with Trulia, from further acts of infringement of the '622 patent and the '291 patent;
- C. An award to CIVIX of such damages as it can prove at trial against Trulia sufficient to fully and adequately compensate CIVIX for the acts of infringement that have occurred, said damages to be no less than a reasonable royalty with respect to each entity found to infringe any asserted claim of any asserted patent;

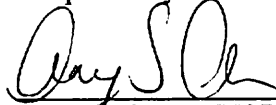
- D. An award to CIVIX for any damages so determined that are found for willful infringement, pursuant to 35 U.S.C. § 284, together with prejudgment interest;
- E. An award to CIVIX of costs and its reasonable attorneys' fees; and
- F. Such other relief as this Court and the jury may determine to be proper and just.

**JURY DEMAND**

A trial by jury is hereby demanded on all issues triable to a jury in this case.

Dated: July 28, 2011

Respectfully submitted,



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