

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LISTINGBOOK, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 1:13-CV-00583
v.)	
)	
MARKET LEADER, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Listingbook, LLC (“Listingbook”), makes the following claims for relief against Defendant, Market Leader, Inc. (“Market Leader”), as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

THE PARTIES AND THE PATENTS

2. Listingbook is a North Carolina limited liability company with its principal place of business at 201 South Elm Street, Greensboro, North Carolina 27401. Listingbook has had its principal place of business in Greensboro, North Carolina since 2005. The company has 45 employees who work in the Greensboro, North Carolina facility.

3. Listingbook is in the business of designing, developing, marketing and selling an online technology platform and client management system that enables real estate agents and their clients to exchange information and collaborate on their online search activities. Listingbook conducts these activities in and from its Greenboro, North Carolina facility. As a technology company with substantial sales, Listingbook depends on innovation and the protection of the patent system to succeed in the marketplace.

4. As a result of its innovations, Listingbook has been awarded patents, including United States Patent No. 7,454,355, entitled, "Method and System for Providing Real Estate Information Using a Computer Network, Such as the Internet" (hereinafter "the '355 patent). Listingbook has commercialized its patented inventions, including the inventions described and claimed in the '355 patent, in its client management system.

5. The named inventors on the '355 patent are Robert N. Milman, Pete Andrews and Joan Milman. Ms. Milman resides in Winston-Salem, North Carolina. Mr. Milman is deceased. Mr. Andrews resides in Northern California.

6. Listingbook owns all right, title and interest in, and has standing to sue for infringement of, the '355 patent.

7. Market Leader is a Washington corporation with its principal place of business at 11332 N.E. 122nd Way, Suite 200, Kirkland, Washington 98034. Market Leader is registered to do business in the State of North Carolina. Market Leader has conducted business in this judicial district; has purposefully availed itself of the privilege

of conducting business with residents of this judicial district, including end users of the products accused of infringement; has established at least minimal contacts with the State of North Carolina such that it should reasonably and fairly anticipate being brought into court in North Carolina; and has purposefully reached out to residents of North Carolina through its marketing, provision and sale of products, including the products accused of infringement.

8. Market Leader has also committed acts of infringement in this judicial district, and regularly transacts business in this judicial district, including marketing, providing and selling the products accused of infringement. Direct infringers of the '355 patent also reside in and practice the claimed inventions in this judicial district.

9. This Court has personal jurisdiction over Market Leader by virtue of its tortious acts of patent infringement which have been committed in the State of North Carolina and in this judicial district, and by virtue of Market Leader's transaction of business in the State of North Carolina.

VENUE

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

MARKET LEADER'S ACTS OF PATENT INFRINGEMENT

11. Market Leader has made, used, offered for sale, sold and provided Market Leader Professional, which incorporates an online customer relation management system that enables real estate professionals and their clients to exchange information and

monitor each other's activities (the "Market Leader CRM System"). Market Leader has implemented the Market Leader CRM System into other offerings as well. Listingbook's allegations of infringement extend to the Market Leader CRM system as implemented in any Market Leader offering.

12. Market Leader has made products that incorporate the Market Leader CRM System, including Market Leader Professional, in the United States.

13. Market Leader has used products that incorporate the Market Leader CRM System, including Market Leader Professional, in the United States.

14. Market leader has sold products that incorporate the Market Leader CRM System, including Market Leader Professional, in the United States.

15. Market Leader has offered for sale products that incorporate the Market Leader CRM System, including Market Leader Professional, in the United States.

16. Market Leader has generated revenues and profits from sales of products that incorporate the Market Leader CRM System, including Market Leader Professional, in the United States.

17. Using the Market Leader CRM, a real estate professional and his or her clients can exchange messages and other information about real estate so that the real estate agent is aware of the clients' actions and the clients are aware of the real estate professional's actions.

18. Using the Market Leader CRM, a real estate professional can monitor client visits and immediately know when an inactive client returns to his or her website.

19. Using the Market Leader CRM, a real estate professional can see exactly which homes his or her prospects have visited, revisited and saved.

20. Using the Market Leader CRM, a real estate professional can automatically send new MLS listings to prospects based on unique criteria that they choose.

21. Using the Market Leader CRM, a real estate professional can automatically send new MLS listings to prospects based on unique criteria that the real estate professional chooses.

22. Third parties have used the Market Leader CRM in the United States and in this judicial district.

23. Market Leader has assisted third parties to use the Market Leader CRM in the United States and in this judicial district.

24. Market Leader has infringed at least claims 1, 37 and 38 of the '355 patent under 35 U.S.C. § 271(a) by using the Market Leader CRM.

25. Market Leader has actively induced infringement of at least claims 1, 37 and 38 of the '355 patent under 35 U.S.C. § 271(b) by providing, and encouraging and aiding others to use the Market Leader CRM. Such direct infringers include purchasers of products that incorporate the Market Leader CRM, including Market Leader Professional. Market Leader had actual notice of its infringement of the '355 patent, and has acted with the specific intent to induce infringement.

26. Listingbook has complied with the marking and notice requirements of 35 U.S.C. § 287.

27. Market Leader's infringement has injured, and continues to injure, Listingbook.

28. Listingbook is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

29. Further, Listingbook will continue to be injured unless and until this Court enters an injunction prohibiting further infringement and inducement of infringement.

PRAYER FOR RELIEF

WHEREFORE, Listingbook asks this Court to enter judgment against Market Leader and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Listingbook for the infringement that has occurred, together with prejudgment interest from the date infringement of the '355 patent began;

B. An award to Listingbook of all remedies available under 35 U.S.C. § 284;

C. An award to Listingbook of all remedies available under 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement and inducement of infringement of the '355 patent; and

E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Listingbook demands a trial by jury on all issues so triable.

This the 18th day of July 2013.

/s/ D.J. O'Brien III

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