

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

CATHAS ADVANCED TECHNOLOGIES
LLC,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Cathas Advanced Technologies LLC (“Cathas”) by its undersigned attorneys complains of Defendant Groupon, Inc. (“Groupon” or “Defendant”), and alleges as follows:

PARTIES

1. Plaintiff Cathas is a limited liability company organized and existing under the laws of the State of Delaware with offices located at 2961 Fontenay Road, Shaker Heights, OH 44120.

2. On information and belief, Defendant Groupon, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 600 West Chicago Avenue, Chicago, Illinois, 60654. Defendant has appointed The Corporation Trust Company, Corporation Trust Center, 1209 North Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

3. On information and belief, Groupon operates a system to help restaurants and other businesses reduce excess capacity by offering “Groupons” to users. Groupon operates one or more servers that enable users to register and create an account. Through this and other

actions, Groupon collects and stores information from users. The Groupon system enables users to receive incentives to purchase a service from a business. Groupons are also offered via Groupon's downloadable software applications available on the iOS and Android platforms.

JURISDICTION AND VENUE

4. This action for infringement arises under the patent laws of the United States, Title 35 of the United States Code.

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

6. This Court has specific and personal jurisdiction over Groupon based on the following, among other reasons: (a) Groupon is a Delaware corporation that is authorized to do business in the State of Delaware and regularly conducts such business; (b) Groupon maintains a website and social media presence that are accessible to residents of the State of Delaware; (c) Groupon has purposefully availed itself of the benefits and protections of Delaware law by doing and transacting business in the State of Delaware; and (d) Groupon has committed tortious acts, including the regular and substantial advertising, promotion and/or sales in Illinois of products and/or systems that infringe the patent-in-suit owned by Cathas, in violation of 35 U.S.C. § 271, that it knew or should have known would cause injury to Cathas in the State of Delaware. All of Groupon's contacts with the State of Delaware are systematic, continuous, and substantial.

7. Venue is proper in this district under at least 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Groupon is subject to personal jurisdiction in this District and regularly transacts business in this District; and because Defendant has committed one or more acts of patent infringement within this Judicial District.

THE PATENT-IN-SUIT

8. Plaintiff Cathas is owner by Assignment of United States Patent No. 7,412,446 (“the ‘446 Patent”) entitled “Method, System and Storage Medium For Providing Supplier Branding Services Over a Communications Network.” The ‘446 Patent was duly and legally issued by the United States Patent & Trademark Office on August 12, 2008. A true and correct copy of the ‘446 Patent is attached as Exhibit 1.

9. Tulip Shah is the named inventor on the ‘446 patent.

10. The ‘446 Patent generally covers a method, system and storage medium for providing and managing supplier-branded marketing and related services to targeted constituencies within a customer organization utilizing information exchanges over a communications network. The ‘446 Patent also covers the collection of supplier-branded information and sales collateral, as well as collecting personal information from customers or from user behavior, storing it in a database and establishing online marketing based on those activities.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 7,412,446**

11. Plaintiff re-alleges paragraphs 1-10 as if fully incorporated herein.

12. On information and belief, Defendant has been and now is directly infringing the ‘446 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States.

13. On information and belief, Defendant has been and now is directly infringing one or more claims of the ‘446 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, making, using, operating, selling or offering to sell, for example, discounted gift certificates (called “Groupons”), via its deal-of-the-day website, www.Groupon.com, the use of which to cause Groupons to be directed to a

particular customer, after he or she signs in to the website, based on previously entered profile information is covered by at least the system of claim 1 of the '446 Patent.

14. Defendant is thus liable for infringement of the '446 Patent pursuant to 35 U.S.C. § 271.

15. As a result of Defendant's past infringement of the '446 Patent, Plaintiff Cathas has suffered monetary damages in an amount adequate to compensate for Defendant's past infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and cost as fixed by the Court, and Plaintiff Cathas will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by the Court.

16. At least prior to the filing of this action and with respect to the '446 Patent, Plaintiff had no marking obligations pursuant to 35 U.S.C. § 287(a).

17. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary fees and expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Cathas respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff Cathas declaring that Defendant has infringed, the '446 Patent;

2. A judgment and order requiring Defendant to pay Plaintiff Cathas its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '446 Patent as provided under 35 U.S.C. § 284;

3. An award to Plaintiff Cathas for enhanced damages as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff Cathas his reasonable attorneys' fees; and
5. An award of any and all other relief to which Plaintiff Cathas may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff Cathas Advanced Technologies LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 29, 2012

BAYARD, P.A.

/s/ Stephen B. Braerman (sb4952)

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