

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

ALMONDNET, INC., INTENT IQ, LLC, and
DATONICS LLC,

Plaintiffs,

v.

LOTAME SOLUTIONS, INC.,

Defendant.

Case No.

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT AGAINST
LOTAME SOLUTIONS, INC.**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiffs AlmondNet, Inc. (“AlmondNet”), Intent IQ, LLC (“Intent IQ”), and Datonics, LLC (“Datonics”) (collectively, “Plaintiffs”) make the following allegations against Defendant Lotame Solutions, Inc. (“Defendant” or “Lotame”):

INTRODUCTION AND PARTIES

1. This complaint arises from Defendant’s unlawful infringement of the following United States patents owned by Plaintiffs, which generally relate to novel internet / network based advertising systems and methods: United States Patent Nos. 8,677,398, 8,589,210, 10,984,445, 8,775,249, and 8,494,904 (collectively, the “Asserted Patents”). Plaintiffs own all right, title, and interest in the Asserted Patents to file this case.

2. AlmondNet, Inc. is a corporation organized and existing under the laws of the state of Delaware, having its place of business at 37-18 Northern Blvd. Suite 404, Long Island City, NY, 11101. Intent IQ, LLC is a Delaware limited liability company, having its place of business

at 37-18 Northern Blvd. Suite 404, Long Island City, NY, 11101. Datonics is a limited liability company organized and existing under the laws of the state of Delaware, having its principal place of business at 37-18 Northern Boulevard, Suite 404, Long Island City, New York 11101. AlmondNet, Inc., Intent IQ, LLC, and Datonics LLC are collectively referred herein as the “Plaintiffs.”

3. Founded in 1998, AlmondNet has developed an extensive suite of industry-leading targeted advertising solutions and products, is focused on R&D and the licensing of its extensive portfolio of enabling technology and intellectual property covering numerous areas of the targeting landscape and ecosystem, including profile-based bidding, behavioral targeting, online and offline data monetization, addressable advertising, and multi-platform advertising.

4. Intent IQ is a leading company in the field of cross-device-based ad targeting, retargeting, audience extension, and attribution. IIQ’s “Dynamic Device Map” identifies a given user across multiple device types, including laptops, desktops, smartphones, tablets, and televisions, so as to assist advertisers in delivering targeted ads to consumers on all of their screens. Intent IQ can facilitate ad targeting based on profile data aggregated from activity on any of a user’s screens, as well as measure the impact of previously delivered ads on the same or different screen.

5. Datonics is a leading aggregator and distributor of highly granular search, purchase-intent, and life-stage data. Datonics offers data users (including ad networks, ad exchanges, demand side platforms, and publishers) pre-packaged or customized keyword-based “data segments” that can facilitate the delivery of advertisements to consumers wherever they go online, with the ads being focused on subjects relevant to the individual consumer yet delivered in a privacy-sensitive way.

6. On information and belief, Defendant is a Delaware corporation with a principal place of business at 8890 McGaw Road, Suite 250, Columbia, MD 21045. Defendant may be served with process through its registered agent, the Corporation Service Company, at 251 Little Falls Drive Wilmington, Delaware 19808.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Defendant in this action because Defendant is incorporated under the laws of the state of Delaware, has committed acts within this District giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. Defendant, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products and services that infringe the Asserted Patents.

9. Venue is proper in this District because Defendant is incorporated under the laws of the State of Delaware.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,677,398

10. Plaintiffs reallege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

11. Plaintiffs own all rights, title, and interest in U.S. Patent No. 8,677,398, titled “systems and methods for taking action with respect to one network-connected device based on

activity on another device connected to the same network,” issued on March 18, 2014 (“the ’398 patent”). A true and correct copy of the ’398 patent is attached as Exhibit 1.

12. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products and/or services (“Accused Instrumentalities”), such as, e.g., Panorama Identity and Lotame’s Spherical Platform, that directly infringe, literally and/or under the doctrine of equivalents, claims of the ’398 patent.

13. The infringement of the ’398 patent is also attributable to Defendant. Defendant and/or users of the Accused Instrumentalities directs and controls use of the Accused Instrumentalities to perform acts that result in infringement the ’398 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

14. Defendant also knowingly and intentionally induces infringement of claims of the ’398 patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, Defendant has had knowledge of the ’398 patent and the infringing nature of the Accused Instrumentalities. Despite this knowledge of the ’398 patent, Defendant continues to make, use, offer for sale, sell, and and/or import the Accused Instrumentalities, and to actively encourage and instruct customers and other companies to make, use, offer for sale, sell, and/or import the Accused Instrumentalities in ways that directly infringe the ’398 patent. Defendant does so intending that its customers and end users will commit these infringing acts.

15. Defendant has also infringed, and continues to infringe, claims of the ’398 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Instrumentalities, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendant has knowledge of or is willfully blind to the components in the Accused Instrumentalities being especially made or especially

adapted for use in infringement of the patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendant is, contributorily infringing the '398 patent, in violation of 35 U.S.C. § 271(c).

16. The Accused Instrumentalities satisfy all claim limitations of one or more claims of the '398 patent. A claim chart comparing an independent claim of the '398 patent to representative Accused Instrumentalities is attached as Exhibit 2, which is hereby incorporated by reference in its entirety.

17. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, Defendant has injured Plaintiffs and is liable for infringement of the '398 patent pursuant to 35 U.S.C. § 271.

18. As a result of Defendant's infringement of the '398 patent, Plaintiffs are entitled to monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

19. Plaintiffs have suffered and continue to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. For example, Intent IQ has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '398 patent. Intent IQ's bid enhancement product allows for targeted advertising on a different site than where the profile data was collected, i.e., by providing third-party IDs in bid requests. Intent IQ's graph product associates devices on a household level, personal level, and device level. Lotame's identity resolution products, such as, e.g., Panorama Identity, directly compete with Intent IQ's bid enhancement and graph products. For example, based on household level device identifier associations Lotame passes its Panorama ID for a particular visitor to active

SSP bid adapters so that ad exchanges and/or DSPs can more confidently bid on targeted advertisements using profile data collected about a website visitor from that visitor's visit to a different site. *See* Ex. 2. Intent IQ's offering of bid enhancement and device graph services is prejudiced by Defendant's actions. For example, Defendant's actions have interfered with and will interfere with Plaintiffs' ability to license technology. The balance of hardships favors Intent IQ's ability to commercialize its own ideas and technology. The public interest in allowing Intent IQ to enforce its right to exclude outweighs other public interests. A permanent injunction would not result in depriving the public of the patented invention because consumer need for the patented invention can be met by at least Intent IQ's product offerings as well as at least one other advertising platform who has taken a license to the '398 Patent.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,589,210

20. Plaintiffs reallege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

21. Plaintiffs own all rights, title, and interest in U.S. Patent No. 8,589,210, titled "providing collected profiles to media properties having specified interests," issued on November 19, 2013 ("the '210 patent"). A true and correct copy of the '210 patent is attached as Exhibit 3.

22. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products and/or services ("Accused Instrumentalities"), such as, e.g., Lotame Data Exchange and Lotame Data Stream, that directly infringe, literally and/or under the doctrine of equivalents, claims of the '210 patent.

23. The infringement of the '210 patent is also attributable to Defendant. Defendant and/or users of the Accused Instrumentalities directs and controls use of the Accused

Instrumentalities to perform acts that result in infringement the '210 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

24. Defendant also knowingly and intentionally induces infringement of claims of the '210 patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, Defendant has had knowledge of the '210 patent and the infringing nature of the Accused Instrumentalities. Despite this knowledge of the '210 patent, Defendant continues to make, use, offer for sale, sell, and and/or import the Accused Instrumentalities, and to actively encourage and instruct customers and other companies to make, use, offer for sale, sell, and/or import the Accused Instrumentalities in ways that directly infringe the '210 patent. Defendant does so intending that its customers and end users will commit these infringing acts.

25. Defendant has also infringed, and continues to infringe, claims of the '210 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Instrumentalities, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendant has knowledge of or is willfully blind to the components in the Accused Instrumentalities being especially made or especially adapted for use in infringement of the patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendant is, contributorily infringing the '210 patent, in violation of 35 U.S.C. § 271(c).

26. The Accused Instrumentalities satisfy all claim limitations of one or more claims of the '210 patent. A claim chart comparing an independent claim of the '210 patent to representative Accused Instrumentalities is attached as Exhibit 4, which is hereby incorporated by reference in its entirety.

27. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, Defendant has injured Plaintiffs and is liable for infringement of the '210 patent pursuant to 35 U.S.C. § 271.

28. As a result of Defendant's infringement of the '210 patent, Plaintiffs are entitled to monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

29. Plaintiffs have suffered and continue to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. For example, Datonics has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '210 patent. On information and belief, the majority of Lotame's revenues originate from demand-side platforms paying Lotame for data usage by those platforms' advertisers, and that service offered by Lotame directly competes with Datonics' offering of pre-packaged and customized data segment services. Accordingly, Datonics' offering of data segmentation is prejudiced by Defendant's actions. For example, Defendant's actions have interfered with and will interfere with Plaintiffs' ability to license technology. The balance of hardships favors Datonics' ability to commercialize its own ideas and technology. The public interest in allowing Datonics to enforce its right to exclude outweighs other public interests. A permanent injunction would not result in depriving the public of the patented invention because consumer need for the patented invention can be met by at least Datonics' product offerings as well as at least one other advertising platform who has taken a license to the '210 Patent.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 10,984,445

30. Plaintiffs reallege and incorporate by reference the foregoing paragraphs as if fully set forth herein.

31. Plaintiffs own all rights, title, and interest in U.S. Patent No. 10,984,445, titled “providing collected profiles to media properties having specified interests,” issued on April 20, 2021 (“the ’445 patent”). A true and correct copy of the ’445 patent is attached as Exhibit 5.

32. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products and/or services (“Accused Instrumentalities”), such as, e.g., Lotame Data Exchange and Lotame Data Stream, that directly infringe, literally and/or under the doctrine of equivalents, claims of the ’445 patent.

33. The infringement of the ’445 patent is also attributable to Defendant. Defendant and/or users of the Accused Instrumentalities directs and controls use of the Accused Instrumentalities to perform acts that result in infringement the ’445 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

34. Defendant also knowingly and intentionally induces infringement of claims of the ’445 patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, Defendant has had knowledge of the ’445 patent and the infringing nature of the Accused Instrumentalities. Despite this knowledge of the ’445 patent, Defendant continues to make, use, offer for sale, sell, and and/or import the Accused Instrumentalities, and to actively encourage and instruct customers and other companies to make, use, offer for sale, sell, and/or import the Accused Instrumentalities in ways that directly infringe the ’445 patent. Defendant does so intending that its customers and end users will commit these infringing acts.

35. Defendant has also infringed, and continues to infringe, claims of the ’445 patent by offering to commercially distribute, commercially distributing, making, and/or importing the

Accused Instrumentalities, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendant has knowledge of or is willfully blind to the components in the Accused Instrumentalities being especially made or especially adapted for use in infringement of the patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendant is, contributorily infringing the '445 patent, in violation of 35 U.S.C. § 271(c).

36. The Accused Instrumentalities satisfy all claim limitations of one or more claims of the '445 patent. A claim chart comparing an independent claim of the '445 patent to representative Accused Instrumentalities is attached as Exhibit 6, which is hereby incorporated by reference in its entirety.

37. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, Defendant has injured Plaintiffs and is liable for infringement of the '445 patent pursuant to 35 U.S.C. § 271.

38. As a result of Defendant's infringement of the '445 patent, Plaintiffs are entitled to monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

39. Plaintiffs have suffered and continue to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. For example, Datonics has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '445 patent. In particular, Datonics' pre-packaged and customized data segment services, which facilitate the delivery of advertisements to consumers wherever they go online, directly competes with Lotame's Data Stream and Data Exchange service offerings. Additionally,

Defendant's actions have interfered with and will interfere with Plaintiffs' ability to license technology. The balance of hardships favors Datonics' ability to commercialize its own ideas and technology. The public interest in allowing Datonics to enforce its right to exclude outweighs other public interests. A permanent injunction would not result in depriving the public of the patented invention because consumer need for the patented invention can be met by at least Datonics' product offerings as well as at least one other advertising platform who has taken a license to the '445 Patent.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 8,775,249

40. Plaintiffs reallege and incorporates by reference the foregoing paragraphs as if fully set forth herein.

41. Plaintiffs own all rights, title, and interest in U.S. Patent No. 8,775,249, titled "method, computer system, and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements," issued on July 8, 2014 ("the '249 patent"). A true and correct copy of the '249 patent is attached as Exhibit 7.

42. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products and/or services ("Accused Instrumentalities"), such as, e.g., Lotame's Spherical Platform and Lightning Tag, that directly infringe, literally and/or under the doctrine of equivalents, claims of the '249 patent.

43. The infringement of the '249 patent is also attributable to Defendant. Defendant and/or users of the Accused Instrumentalities directs and controls use of the Accused Instrumentalities to perform acts that result in infringement the '249 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

44. The Accused Instrumentalities satisfy all claim limitations of one or more claims of the '249 patent. A claim chart comparing an independent claim of the '249 patent to representative Accused Instrumentalities is attached as Exhibit 8, which is hereby incorporated by reference in its entirety.

45. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, Defendant has injured AlmondNet and is liable for infringement of the '249 patent pursuant to 35 U.S.C. § 271.

46. As a result of Defendant's infringement of the '249 patent, AlmondNet is entitled to monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 8,494,904

47. Plaintiffs reallege and incorporates by reference the foregoing paragraphs as if fully set forth herein.

48. Plaintiffs own all rights, title, and interest in U.S. Patent No. 8,494,904, titled "method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements," issued on July 23, 2013 ("the '904 patent"). A true and correct copy of the '904 patent is attached as Exhibit 9.

49. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products and/or services ("Accused Instrumentalities"), such as, e.g., Lotame's Spherical Platform and Lightning Tag, that directly infringe, literally and/or under the doctrine of equivalents, claims of the '904 patent.

50. The infringement of the '904 patent is also attributable to Defendant. Defendant and/or users of the Accused Instrumentalities directs and controls use of the Accused Instrumentalities to perform acts that result in infringement the '904 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

51. The Accused Instrumentalities satisfy all claim limitations of one or more claims of the '904 patent. A claim chart comparing an independent claim of the '904 patent to representative Accused Instrumentalities is attached as Exhibit 10, which is hereby incorporated by reference in its entirety.

52. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, Defendant has injured AlmondNet and is liable for infringement of the '904 patent pursuant to 35 U.S.C. § 271.

53. As a result of Defendant's infringement of the '904 patent, AlmondNet is entitled to monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter:

- a. A judgment in favor of Plaintiffs that Defendant has infringed, either literally and/or under the doctrine of equivalents, each of the Asserted Patents;
- b. A permanent injunction prohibiting Defendant from further acts of infringement of the '398 patent, the '210 patent, and the '445 patent;
- c. A judgment and order requiring Defendant to pay Plaintiffs their damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's

- infringement of the Asserted Patents;
- d. A judgment and order requiring Defendant to provide an accounting and to pay supplemental damages to Plaintiffs, including without limitation, pre-judgment and post-judgment interest;
 - e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable attorneys' fees against Defendant; and
 - f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs, under Rule 38 of the Federal Rules of Civil Procedure, request a trial by jury of any issues so triable by right.

Dated: March 22, 2024

Respectfully submitted,

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