

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ONLINE NEWS LINK LLC,

Plaintiff,

v.

EPSILON DATA MANAGEMENT, LLC,

Defendant.

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CIVIL ACTION NO. 3:13-cv-3023

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ONLINE NEWS LINK LLC files this Complaint against EPSILON DATA MANAGEMENT, LLC for infringement of U.S. Patent No. 7,181,758 (“the ’758 patent”), U.S. Patent No. 7,508,789 (“the ’789 patent”), and U.S. Patent No. 8,457,545 (“the ’545 patent”).

I. THE PARTIES

1. Plaintiff ONLINE NEWS LINK LLC (“Plaintiff”) is a Texas limited liability company, with its principal place of business in Plano, Texas.

2. Defendant EPSILON DATA MANAGEMENT, LLC (“Epsilon” or “Defendant”) is a Delaware limited liability company with its principal place of business in Irving, Texas. This Defendant may be served with process through its registered agent, CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201. This Defendant does business in the State of Texas and in the Northern District of Texas.

II. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of this action under Title 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving its accused products in this judicial district, and/or has regular and established places of business in this judicial district.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business and, accordingly, deriving substantial revenue from goods and services provided to Texas residents.

III. PATENT INFRINGEMENT

COUNT I — INFRINGEMENT OF U.S. PATENT NO. 7,181,758

6. Plaintiff is the assignee of the '758 patent, entitled "INFORMATION DISTRIBUTION AND PROCESSING SYSTEM," with ownership of all substantial rights. Among other rights, Plaintiff has the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, the exclusive right to settle any claims of infringement, and the exclusive right to grant sublicenses, including, specifically, the exclusive right to exclude Epsilon, the exclusive right to sue Epsilon, the exclusive right to

settle any claims with Epsilon, and the exclusive right to grant a sublicense to Epsilon. A true and correct copy of the '758 patent is attached as Exhibit A.

7. Epsilon has infringed and continues to directly infringe one or more claims of the '758 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, having made, using, offering for sale, and/or selling claimed information distribution and processing systems. At a minimum, Epsilon has been, and now is, directly infringing claims of the '758 patent, including (for example) at least claim 1, by making, having made, and/or using its information distribution system(s) that transmit(s) email communications containing user-selectable links associated with data on a server.

8. Plaintiff has been damaged as a result of Epsilon's infringing conduct. Epsilon is, thus, liable to Plaintiff in an amount that adequately compensates it for Epsilon's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II — INFRINGEMENT OF U.S. PATENT NO. 7,508,789

9. Plaintiff is the assignee of the '789 patent, entitled "INFORMATION DISTRIBUTION AND PROCESSING SYSTEM," with ownership of all substantial rights. Among other rights, Plaintiff has the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, the exclusive right to settle any claims of infringement, and the exclusive right to grant sublicenses, including, specifically, the exclusive right to exclude Epsilon, the exclusive right to sue Epsilon, the exclusive right to settle any claims with Epsilon, and the exclusive right to grant a sublicense to Epsilon. A true and correct copy of the '789 patent is attached as Exhibit B.

10. Epsilon has infringed and continues to directly infringe one or more claims of the '789 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, having made, using, offering for sale, and/or selling claimed information distribution and processing systems. At a minimum, Epsilon has been and now is directly infringing claims of the '789 patent, including (for example) at least claim 16, by making, having made, and/or using its information distribution system(s) that transmit(s) email communications containing user-selectable links associated with data on a server.

11. Plaintiff has been damaged as a result of Epsilon's infringing conduct. Epsilon is, thus, liable to Plaintiff in an amount that adequately compensates it for Epsilon's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III — INFRINGEMENT OF U.S. PATENT NO. 8,457,545

12. Plaintiff is the assignee of the '545 patent, entitled "INFORMATION DISTRIBUTION AND PROCESSING SYSTEM," with ownership of all substantial rights. Among other rights, Plaintiff has the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, the exclusive right to settle any claims of infringement, and the exclusive right to grant sublicenses, including, specifically, the exclusive right to exclude Epsilon, the exclusive right to sue Epsilon, the exclusive right to settle any claims with Epsilon, and the exclusive right to grant a sublicense to Epsilon. A true and correct copy of the '545 patent is attached as Exhibit C.

13. Epsilon has infringed and continues to directly infringe one or more claims of the '545 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, having made, using, offering for sale, and/or selling claimed information

distribution and processing systems. At a minimum, Epsilon has been and now is directly infringing claims of the '545 patent, including (for example) at least claim 1, by making, having made, and/or using its information distribution system(s) that transmit(s) email communications containing user-selectable links associated with data on a server.

14. Plaintiff has been damaged as a result of Epsilon's infringing conduct. Epsilon is, thus, liable to Plaintiff in an amount that adequately compensates it for Epsilon's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

IV. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Epsilon, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of U.S. Patent No. 7,181,758, U.S. Patent No. 7,508,789, and/or United States Patent No. 8,457,545 has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: August 2, 2013.

Respectfully submitted,

/s/ Edward R. Nelson, III

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