

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LBS INNOVATIONS, LLC,

Plaintiff,

v.

APARTMENT LIST, INC., ETSY, INC.,
PINTEREST, INC., AND ROADTRIPPERS
INC.,

Defendants.

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Civil Action No. 2:15-cv-380

Jury Trial Demanded

**PLAINTIFF LBS INNOVATIONS, LLC’S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff LBS Innovations, LLC (“Plaintiff” or “LBSI”) files this Complaint against Apartment List, Inc. (“Apartment List”) Etsy, Inc. (“Etsy”), Pinterest, Inc. (“Pinterest”), and Roadtrippers Inc. (“Roadtrippers”) (collectively, “Defendants”) and alleges as follows:

PARTIES

1. Plaintiff LBSI is a Texas Limited Liability Company with its principal place of business at 815 Brazos Street, Suite 500, Austin, Texas 78701.

2. Upon information and belief, Defendant Apartment List is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 500 3rd St., Suite 555, San Francisco, California 94107. Defendant may be served with process through its registered agent Charles Christopher Herndon, 500 3rd Street, Suite 555, San Francisco, California 94107.

3. Upon information and belief, Defendant Etsy is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 55 Washington Street, Suite 512, Brooklyn, New York 11201. Defendant may be served with

process through its registered agent Corporation Service Company, 2710 Gateway Oak Drive, Suite 150N, Sacramento, California 95833.

4. Upon information and belief, Defendant Pinterest is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 808 Brannan Street, San Francisco, California 94103. Defendant may be served with process through its registered agent Agents and Corporations, Inc., 1201 Orange Street, Suite 600, One Commerce Center, Wilmington, Delaware 19801.

5. Upon information and belief, Defendant Roadtrippers is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 131 E. McMicken Avenue, Cincinnati, Ohio 45202. Defendant may be served with process through its registered agent Taft Service Solutions Corp., 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202.

BACKGROUND

APARTMENT LIST

6. On information and belief, Defendant Apartment List engages in electronic commerce conducted on and using at least, but not limited to, the website <https://www.apartmentlist.com/>.

7. On information and belief, Defendant Apartment List owns, operates, and/or directs the operation of the website <https://www.apartmentlist.com/>, which has a location interface at, for example, <https://www.apartmentlist.com/tx/marshall>.

8. On information and belief, Defendant Apartment List has tested and/or used the website <https://www.apartmentlist.com/> and its location interface at, for example, <https://www.apartmentlist.com/tx/marshall>.

9. Defendant Apartment List currently provides and/or has provided website visitors (“Apartment List End Users”) access to its site, <https://www.apartmentlist.com/>, including its location interface at, for example, <https://www.apartmentlist.com/tx/marshall>.

10. Defendant Apartment List directs Apartment List End Users to operate the location interface of its website, <https://www.apartmentlist.com/tx/marshall>, for example, by providing links and directions to its location interface as well as instructions on its proper use and operation.

ETSY

11. On information and belief, Defendant Etsy engages in electronic commerce conducted on and using at least, but not limited to, the website <https://www.etsy.com/local>.

12. On information and belief, Defendant Etsy owns, operates, and/or directs the operation of the website <https://www.etsy.com/local>, which provides a location interface.

13. On information and belief, Defendant Etsy has tested and/or used the website <https://www.etsy.com/local> and its location interface.

14. Defendant Etsy currently provides and/or has provided website visitors (“Etsy End Users”) access to its site, <https://www.etsy.com/local>, including its location interface.

15. Defendant Etsy directs Etsy End Users to operate the location interface of its website, <https://www.etsy.com/local>, for example, by providing instructions on its proper use and operation.

PINTEREST

16. On information and belief, Defendant Pinterest engages in electronic commerce conducted on and using at least, but not limited to, the website <https://www.pinterest.com/>.

17. On information and belief, Defendant Pinterest owns, operates, and/or directs the operation of the website <https://www.pinterest.com/>, which allows users to create location interfaces, such as <https://www.pinterest.com/stellargourmet/austin-texas-food-and-fun/>.

18. On information and belief, Defendant Pinterest has tested and/or used the website <https://www.pinterest.com/> and its location interfaces, such as those cited at, for example, <http://blog.pinterest.com/post/67622502341/introducing-place-pins-for-the-explorer-in-all-of>.

19. Defendant Pinterest currently provides and/or has provided website visitors (“Pinterest End Users”) access to its site, <https://www.pinterest.com/>, including its location interfaces, such as <https://www.pinterest.com/stellargourmet/austin-texas-food-and-fun/>.

20. Defendant Pinterest directs Pinterest End Users to create and/or operate location interfaces, such as <https://www.pinterest.com/stellargourmet/austin-texas-food-and-fun/>, by providing links and directions to its location interfaces as well as instructions on their proper use, operation, and method of creation, for example, as shown on <http://creative.pinterest.com/features/place-pins/>.

ROADTRIPPERS

21. On information and belief, Defendant Roadtrippers engages in electronic commerce conducted on and using at least, but not limited to, the website <https://roadtrippers.com/>.

22. On information and belief, Defendant Roadtrippers owns, operates, and/or directs the operation of the website <https://roadtrippers.com/>, which has a location interface at, for example, <https://roadtrippers.com/map>.

23. On information and belief, Defendant Roadtrippers has tested and/or used the website <https://roadtrippers.com/> and its location interface at, for example, <https://roadtrippers.com/map>.

24. Defendant Roadtrippers currently provides and/or has provided website visitors (“Roadtrippers End Users”) access to its site, <https://roadtrippers.com/>, including its location interface at, for example, <https://roadtrippers.com/map>.

25. Defendant Roadtrippers directs Roadtrippers End Users to operate the location interface of its website, <https://roadtrippers.com/map>, for example, by providing links and directions to its location interface as well as instructions on its proper use and operation.

JURISDICTION AND VENUE

26. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

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

28. Upon information and belief, the Defendants are subject to this Court’s general and/or specific personal jurisdiction because it (a) is a resident of the State of Texas; and/or (b) has designated an agent for service of process in the State of Texas; and/or (c) is engaged in continuous and systematic activities in the State of Texas; and/or (b) has committed acts of infringement in the State of Texas as alleged below. Therefore, this Court has personal jurisdiction over each of the Defendants under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

29. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each of the Defendants has a regular and established place of business in

this district, and/or has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

30. On July 18, 2000, the United States Patent and Trademark Office issued United States Patent No. 6,091,956 (“the ’956 Patent”) entitled “Situation Information System,” a true copy of which is attached as Exhibit A.

31. LBSI is the owner by assignment of the ’956 Patent and owns all right, title and interest in the ’956 Patent, including the right to sue for and recover all past, present and future damages for infringement of the ’956 Patent.

CLAIM 1 -- INFRINGEMENT OF U.S. PATENT NO. 6,091,956

APARTMENT LIST

32. Defendant Apartment List has been and is now directly infringing one or more claims of the ’956 Patent in violation of 35 U.S.C. § 271 (a), by making, using, offering to sell and/or selling, in the United States, location information computer systems and methods such as the computer implemented website <https://www.apartmentlist.com/>, which has a location interface available at, for example, <https://www.apartmentlist.com/tx/marshall>, and other related and/or similar webpages.

33. In addition and/or in the alternative, Defendant Apartment List has been and/or is now indirectly infringing one or more claims of the ’956 Patent in violation of 35 U.S.C. § 271 (b), by inducing Apartment List End Users to directly infringe the ’956 Patent through their use of the infringing instrumentalities. Apartment List induces such infringement by at least making its website available to Apartment List End Users and providing links and/or other directions on

its website and/or the Internet for Apartment List End Users to visit, download, and/or use the infringing instrumentalities.

34. Defendant Apartment List engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activity induces Apartment List End Users to directly infringe the '956 Patent.

ETSY

35. Defendant Etsy has been and is now directly infringing one or more claims of the '956 Patent in violation of 35 U.S.C. § 271 (a), by making, using, offering to sell and/or selling, in the United States, location information computer systems and methods such as the computer implemented website <https://www.etsy.com/local>, which provides a location interface.

36. In addition and/or in the alternative, Defendant Etsy has been and/or is now indirectly infringing one or more claims of the '956 Patent in violation of 35 U.S.C. § 271 (b), by inducing Etsy End Users to directly infringe the '956 Patent through their use of the infringing instrumentalities. Etsy induces such infringement by at least making its website available to Etsy End Users and providing links and/or other directions on its website and/or the Internet for Etsy End Users to visit, download, and/or use the infringing instrumentalities.

37. Defendant Etsy engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activity induces Etsy End Users to directly infringe the '956 Patent.

PINTEREST

38. Defendant Pinterest has been and is now directly infringing one or more claims of the '956 Patent in violation of 35 U.S.C. § 271 (a), by making, using, offering to sell and/or selling, in the United States, location information computer systems and methods such as the

computer implemented website <https://www.pinterest.com/>, which allows users to create location interfaces, such as <https://www.pinterest.com/stellargourmet/austin-texas-food-and-fun/>, and other related and/or similar webpages.

39. In addition and/or in the alternative, Defendant Pinterest has been and/or is now indirectly infringing one or more claims of the '956 Patent in violation of 35 U.S.C. § 271 (b), by inducing Pinterest End Users to directly infringe the '956 Patent through their use of the infringing instrumentalities. Pinterest induces such infringement by at least making its website available to Pinterest End Users and providing links and/or other directions on its website and/or the Internet for Pinterest End Users to visit, download, and/or use the infringing instrumentalities.

40. Defendant Pinterest engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activity induces Pinterest End Users to directly infringe the '956 Patent.

ROADTRIPPERS

41. Defendant Roadtrippers has been and is now directly infringing one or more claims of the '956 Patent in violation of 35 U.S.C. § 271 (a), by making, using, offering to sell and/or selling, in the United States, location information computer systems and methods such as the computer implemented website <https://roadtrippers.com/>, which has a location interface available at, for example, <https://roadtrippers.com/map>, and other related and/or similar webpages.

42. In addition and/or in the alternative, Defendant Roadtrippers has been and/or is now indirectly infringing one or more claims of the '956 Patent in violation of 35 U.S.C. § 271 (b), by inducing Roadtrippers End Users to directly infringe the '956 Patent through their use of

the infringing instrumentalities. Roadtrippers induces such infringement by at least making its website available to Roadtrippers End Users and providing links and/or other directions on its website and/or the Internet for Roadtrippers End Users to visit, download, and/or use the infringing instrumentalities.

43. Defendant Roadtrippers engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activity induces Roadtrippers End Users to directly infringe the '956 Patent.

GENERAL ALLEGATIONS

44. Each of the above named Defendants has used and/or currently uses a business locator service provided by OpenStreetMap ("OSM") in connection with its respective location interface.

45. Because of their use of the locator service provided by OSM in connection with their respective location interface, Defendants' actions are part of the same transaction, occurrence, or series of transactions or occurrences and there is a logical relationship between the claims asserted against the Defendants such that there is substantial evidentiary overlap in the facts giving rise to the cause of action against each Defendant.

46. As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '956 Patent, LBSI has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

47. The limitation of damages provision of 35 U.S.C. § 287(a) is not applicable to LBSI.

DEMAND FOR JURY TRIAL

48. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff LBS Innovations, LLC requests entry of judgment that:

1. Defendants have infringed the patent-in-suit;
2. Defendants account for and pay to Plaintiff all damages caused by their respective infringement of the patent-in-suit; and
3. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of one or more of Defendants' patent infringement;
4. Costs be awarded to Plaintiff; and
5. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: March 16, 2015

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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**ATTORNEYS FOR PLAINTIFF
LBS INNOVATIONS, LLC**

CERTIFICATE OF SERVICE

Pursuant to Local Rule CV-5(c), the undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 16th day of March, 2015. Any other counsel of record will be served by facsimile transmission.

/s/ Christopher M. Joe
Christopher M. Joe