IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALMONDNET, INC., INTENT IQ, LLC, and DATONICS LLC, Plaintiffs, v. LIVEINTENT, INC., Defendant.	Case No. 24-cv-831-MN **JURY TRIAL DEMANDED**

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT AGAINST LIVEINTENT, 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 LiveIntent, Inc. ("Defendant" or "LiveIntent"):

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, 8,959,146, 10,984,445, 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

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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, LiveIntent is a Delaware corporation with a principal place of business at 1 World Trade Center, 45th Floor, New York, NY 10006. LiveIntent 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 the Accused Instrumentalities (including LiveIntent's People-Based Marketing Platform product and services) that directly infringe, literally and/or under the doctrine of equivalents, one or more method 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 of 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 at least method claim 13 of the '398 patent in violation of 35 U.S.C. § 271(b) by providing LiveIntent's People-Based Marketing Platform including but not limited to components such as the LiveIntent Identity Graph, Identity Module, HIRO, UID2.0, nonID, and Authenticated Bridge services (collectively, "the Accused Instrumentalities"), which are sold and specifically configured to infringe the asserted claims, to LiveIntent customers and partners in the United States, such as, e.g., LiveIntent header bidding partner, DSP partner, or SSP partner. Through at least the filing and service of the original Complaint (D.I. 1), 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/or import the Accused Instrumentalities, and to actively encourage and instruct customers and partners 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 partners will commit these infringing acts or subjectively believes that the actions of its customers and partners will result in infringement of the asserted claims, but took deliberate actions to avoid learning of the facts.

15. Defendant has also infringed, and continues to infringe, at least method claim 13 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 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 there is no substantial non-infringing use to LiveIntent’s provision of linkages of identifiers based on recognizing that the devices using those identifiers connected to the Internet via a common local area network. Accordingly, Defendant is, contributorily infringing the ’398 patent, in violation of 35 U.S.C. § 271(c).

16. The Accused Instrumentalities perform all claim limitations of one or more method claims of the ’398 patent. A claim chart comparing independent method claims 1 and 13 of the ’398 patent to a 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 are entitled to past damages for Defendant's infringement of the '398 patent. 35 U.S.C. § 287 does not apply to this case because Plaintiffs have only asserted method claims of the '398 patent.

20. 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 method 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. LiveIntent's People-Based Marketing Platform products and services, such as, e.g., the LiveIntent Identity Graph and Identity Module, directly compete with Intent IQ's bid enhancement and graph products. For example, based on household level device identifier associations LiveIntent sends an identifier (e.g., the LiveIntent nonID, SSP cookie ID, and/or DSP cookie ID) for a particular visitor to a LiveIntent header bidding partner 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.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,959,146

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

22. Plaintiffs own all rights, title, and interest in U.S. Patent No. 8,959,146, titled "media properties selection method and system based on expected profit from profile-based ad delivery," issued on February 17, 2015 ("the '146 patent"). A true and correct copy of the '146 patent is attached as Exhibit 3.

23. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports the Accused Instrumentalities (including LiveIntent's People-Based Marketing Platform product and services) that directly infringe, literally and/or under the doctrine of equivalents, one or more method claims of the '146 patent.

24. The direct infringement of the '146 patent is also attributable to Defendant. Defendant directs and controls the use of the Accused Instrumentalities to perform acts that result in the direct infringement of the '146 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

25. The Accused Instrumentalities perform all claim limitations of one or more method claims of the '146 patent. A claim chart comparing independent method claim 1 of the '146 patent to a representative Accused Instrumentalities is attached as Exhibit 4, which is hereby incorporated by reference in its entirety.

26. 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 direct infringement of the '146 patent pursuant to 35 U.S.C. § 271.

27. As a result of Defendant's direct infringement of the '146 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.

28. Plaintiffs are entitled to past damages for Defendant's direct infringement of the '146 patent. 35 U.S.C. § 287 does not apply to this case because Plaintiffs have only asserted method claims of the '146 patent.

COUNT III

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

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

30. 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.

31. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports the Accused Instrumentalities (including LiveIntent's People-Based Marketing Platform product and services) that directly infringe, literally and/or under the doctrine of equivalents, one or more method claims of the '445 patent.

32. The direct infringement of the '445 patent is also attributable to Defendant. Defendant directs and controls the use of the Accused Instrumentalities to perform acts that result in the direct infringement of the '445 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

33. The Accused Instrumentalities perform all claim limitations of one or more method claims of the ’445 patent. A claim chart comparing independent method claim 1 of the ’445 patent to a representative Accused Instrumentalities is attached as Exhibit 6, which is hereby incorporated by reference in its entirety.

34. 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 direct infringement of the ’445 patent pursuant to 35 U.S.C. § 271.

35. As a result of Defendant’s direct 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.

36. Plaintiffs are entitled to past damages for Defendant’s direct infringement of the ’445 patent. 35 U.S.C. § 287 does not apply to this case because Plaintiffs have only asserted method claims of the ’445 patent.

37. 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 direct infringement of one or more method 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 components of LiveIntent’s People-Based Marketing Platform, such as, e.g., LiveIntent’s Audience Manager and LiveIntent DSP. For example, the LiveIntent DSP (together with LiveIntent’s Audience Manager) cause the delivery of email advertisements using a hashed email address for a particular consumer as well as profile information linked to the

hashed email address, which LiveIntent has collected from a profile owner computer (such as, e.g., a computer operated by Oracle). *See* Ex. 6. 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. 8,494,904

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

39. 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 7.

40. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports the Accused Instrumentalities (including LiveIntent's People-Based Marketing Platform product and services) that directly infringe, literally and/or under the doctrine of equivalents, one or more method claims of the '904 patent.

41. The direct infringement of the '904 patent is also attributable to Defendant. Defendant directs and controls the use of the Accused Instrumentalities to perform acts that result

in the direct infringement of the ’904 patent, conditioning benefits on participation in the infringement and establishing the timing and manner of the infringement.

42. The Accused Instrumentalities perform all claim limitations of one or more method claims of the ’904 patent. A claim chart comparing independent method claim 1 of the ’904 patent to a representative Accused Instrumentalities is attached as Exhibit 8, which is hereby incorporated by reference in its entirety.

43. 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 direct infringement of the ’904 patent pursuant to 35 U.S.C. § 271.

44. As a result of Defendant’s direct 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.

45. Plaintiffs are entitled to past damages for Defendant’s direct infringement of the ’904 patent. 35 U.S.C. § 287 does not apply to this case because Plaintiffs have only asserted method claims of the ’904 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter:

a. A judgment in favor of Plaintiffs that Defendant has directly infringed, either literally and/or under the doctrine of equivalents, each of the Asserted Patents, and has induced and/or contributed to the infringement of the ’398 patent;

b. A permanent injunction prohibiting Defendant from further acts of infringement of the ’398 patent and ’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: November 12, 2024

Respectfully submitted,

FARNAN LLP

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