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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 INNSIGHT.COM INC.

11 Plaintiff

12 v.

13 D.H.D. HOSPITALITY SERVICES INC.

14 Defendant

Case No.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

15 Plaintiff INN^sight.com, Inc., (“INN^sight” or “Plaintiff”) by and through undersigned
16 counsel, brings this action against Defendant D.H.D Hospitality Services, Inc. (“DHD” or
17 “Defendant”) and alleges as follows:

18 **INTRODUCTION**

19 1. Plaintiff is the leader in the field of ADA compliance for websites, particularly in the
20 hospitality industry. INN^sight brings this action for violation of the exclusive rights granted
21 by the Copyright Act, 17 U.S.C. §101 et seq.

22 **PARTIES**

23 2. Plaintiff is a Delaware corporation with a principal place of business at 2445 Ocean Ave.
24 San Francisco, CA 94127.
25 3. Defendant is a Florida corporation with a principal place of business at 11619 Meadow
26 Grove Cir., Orlando, FL 32836.
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JURISDICTION AND VENUE

- 4. This action arises under the United States Copyright Act, 17 U.S.C. §101 et seq.
- 5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338.
- 6. This Court has personal jurisdiction over Defendant because it has purposefully directed its activities at the State of California or has purposefully availed itself of the privilege of conducting business within the State of California. The claim at issue herein arises from Defendant’s forum-related activities and the exercise of jurisdiction in this case comports with fair play and substantial justice.
- 7. Defendant has directed its activities at the forum by providing information and booking hotel rooms located in the District, including, inter alia, the Budget Inn in Redwood City, California. Defendant has infringed Plaintiff’s registered copyright in connection with the services provided to the State of California and the Northern District of California.
- 8. Venue is appropriate in the Northern District of California pursuant to 28 U.S.C. §1400 and the facts set forth above.

FACTS COMMON TO ALL CLAIMS

- 9. INNsign is a leading digital marketing system specializing in hotels and hospitality businesses. INNsign provides a range of proprietary software services.
- 10. INNsign’s software includes ADA Title III and Web Accessibility features designed to ensure that its customers’ websites meet the requirements of the ADA, WCAG, GDPR, and are otherwise accessible for individuals with disabilities including audio, visual, and mobility impairment.
- 11. INNsign has been recognized as a Subject-Matter Expert in the field of ADA website compliance. Its software has been considered as ‘Gold Standard’ in website ADA compliance, particularly in the hotel and hospitality industry.
- 12. During the course of its operations, INNsign has created and developed significant

1 intellectual property assets including the ADA Tray®, a patent pending accessibility widget
2 with a distinctive look, feel, and operational characteristics, the registered copyright at issue
3 herein, and others.

4 Plaintiff’s Registered Copyright

5 13. As described further herein, INN’sight’s founders created and licensed to INN’sight an
6 original “ADA Accessibility Features & Amenities Page” (hereinafter the “Accessibility
7 Page”) that is incorporated into INN’sight’s customer websites and satisfies certain
8 regulatory requirements in a creative and easy-to-understand manner.

9 14. In particular, the Accessibility Page includes language painstakingly developed and
10 litigation-tested to help protect hoteliers from liability from serial ADA plaintiff’s alleging
11 that a particular hotel is not ‘accessible’ under the ADA standards.

12 15. The Accessibility Page likewise assists hotels in demonstrating the accessibility features of
13 Plaintiff’s customers’ properties, satisfies the informational requirements set out in ADA
14 Title III and explains online web accessibility efforts under the WCAG standards
15 promulgated by the World Wide Web Consortium.

16 16. The Accessibility Page was first published on July 15, 2017.

17 17. The Accessibility Page is registered with the United States Copyright Office under
18 Registration TX 8-748-968 with an effective date of registration of May 30, 2019. A true
19 and correct copy of the registration certificate is attached hereto as Exhibit A.

20 18. INN’sight has entered into an assignment agreement, whereby Roshan & Raj Patel
21 transferred to INN’sight.com, Inc. all right, title, and interest in the Accessibility Page,
22 including, but not limited to, their interests in the copyrights, all renewals and extensions
23 thereof, and all interest in all works based on, derived from, or incorporating the
24 Accessibility Page. The INN’sight Assignment further transferred to Plaintiff all causes of
25 action relating to the Accessibility Page, including causes of action that had accrued at the
26 time of transfer.

27 19. The Accessibility Page is available on the internet and has been incorporated into a number
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1 of INN'sight's customer websites in connection with accessibility services provided by
2 INN'sight.

3 Defendant's Infringing Uses

4 20. Upon information and belief, Defendant DHD does business as Travlu and operates the
5 travlu.com website and an associated network of websites and domain names, including
6 budgetinnredwoodcity.com (the "Website").

7 21. Upon information and belief, Defendant provides users with basic information about various
8 third-party hotel properties, and allows users to book rooms at the third-party hotels via the
9 travlu.com interface and its network of websites and domains.

10 22. Budget Inn Redwood City is located at 2526 El Camino Real, Redwood City, CA 94061.

11 23. The bottom right-hand corner of the Website includes the commonly-used
12 handicap/wheelchair icon. When a user clicks on the icon, an "Accessibility" page (the
13 "Infringing Popup") pops up on a user's screen.

14 24. The Infringing Popup language is substantially similar to Plaintiff's copyrighted
15 Accessibility Page.

16 25. Exhibit B hereto is a true and correct copy of the Infringing Popup described above.

17 26. Upon information and belief, the Infringing Popup was created by Defendant after May 30,
18 2019.

19 27. Upon information and belief, similar infringing popups appear on numerous other websites
20 and domain names associated owned or otherwise controlled by Defendant.

21 28. Defendant's infringement of Plaintiff's Accessibility Page was willful and intentional, with
22 full knowledge of Plaintiff's copyrights and in conscious or reckless disregard of Plaintiff's
23 exclusive rights therein.

24 FIRST CAUSE OF ACTION

25 Direct Copyright Infringement

26 29. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as though
27 fully set forth herein.

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1 30. The Accessibility Page is an original copyrightable work entitled to protection under the
2 Copyright Act.

3 31. Plaintiff has complied in all respects with 17 U.S.C. §101 et seq. and secured the exclusive
4 rights in, and ownership of, the Accessibility Page.

5 32. The Accessibility Page is duly registered with the United States Copyright Office.

6 33. By the actions alleged herein, Defendant has infringed INNstight's copyright in the
7 Accessibility page by the reproduction, public display, distribution, and creation of
8 unauthorized derivative works of the same without INNstight's authorization or permission.

9 34. Defendant's infringement of INNstight's copyright was willful.

10 35. As a direct and proximate result of the copyright infringement set forth herein, INNstight has
11 been, and continues to be, damaged in an amount unknown at present and to be determined
12 at trial.

13 36. As a direct and proximate result of the copyright infringement set forth herein, Defendant
14 has gained and/or will gain substantial profits in an amount presently unknown and to be
15 determined at trial.

16 37. INNstight is entitled to recover its actual damages and any additional Defendant's profits not
17 calculated in its computation of actual damages in an amount to be determined at trial,
18 pursuant to 17 U.S.C. §504.

19 38. In the alternative and at its election, INNstight is entitled to seek maximum statutory damages
20 for Defendant's acts of willful infringement in the amount of \$150,000 per work pursuant to
21 17 U.S.C. §504(c).

22 39. Plaintiff has no adequate remedy at law to protect its copyrights and to prevent Defendant
23 from continuing to infringe the Accessibility Page and injure Plaintiff. To the extent that the
24 infringing uses detailed herein continue, Plaintiff will continue to suffer irreparable injury.

25 40. As a direct and proximate result of the copyright infringement detailed herein, Plaintiff is
26 entitled to preliminary and permanent injunctive relief enjoining and restraining Defendant
27 from infringing its copyrights, pursuant to 17 U.S.C. § 502.

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