

**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. 24-cv-376-MN

JURY TRIAL DEMANDED

**FIRST AMENDED 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.

LOTAME'S ACCUSED INSTRUMENTALITIES

10. As used herein, "Lotame's Accused Instrumentalities" or "Accused Instrumentalities" includes without limitation Lotame's Spherical Platform product and services that provide technology, services, and tools to provide audience management, identity, and data monetization services. According to Defendant's website: "Lotame operates a platform ('Spherical Platform') that provides technology, services, and tools to provide audience

management, identity, and data monetization services (our ‘**Services**’) to our Business Customers (and their customers) and Data Partners.” <https://www.lotame.com/privacy/privacy-notices/services/>.

11. Defendant’s website further describes Lotame’s Spherical Platform product and services as including Lotame’s “Audience Management Services,” “Identity Services,” and “Data Monetization Services” as follows:

Lotame operates a platform (“**Spherical Platform**”) that provides technology, services, and tools to provide audience management, identity, and data monetization services (our “**Services**”) to our Business Customers (and their customers) and Data Partners.

- Our Audience Management Services facilitate the delivery of personalized marketing, advertisements, and content to you by Publishers and Advertisers.
 - Publishers and other operators of Digital Properties that have space to show an ad want those ads to be relevant to their readers, which helps them to offer content to you for no cost or lower cost. Advertisers, advertising agencies, and others that want to show an advertisement want to use their advertising dollars efficiently by reaching the right individuals, and by measuring the effectiveness of their ad campaigns. To accomplish those goals, our Business Customers use our Services to recognize and organize their customers or visitors to their Digital Properties, and to help them personalize advertisements and content to their customers or visitors, such as through website and email personalization or dynamic marketing and advertising optimization.
 - Our Services are also used for the analytics and measurement of advertising campaign performance of our Business Customers. For example, our Services can help analyze how many ads were viewed and clicked, and if the consumer purchased any of the advertiser’s products.

- Our Identity Services enables our Business Customers to connect an individual's preferences across the various browsers and Devices. Our Identity solutions allow our Business Customers to display targeted advertisements and other personalized content of interest to you no matter what Device you use.
- Our Data Monetization Services enables our Business Customers and Data Partners to extract value from the Personal Data they collect about you.
 - The Lotame Data Exchange is one of the world's largest marketplaces for third-party data and the standard for premium quality data at flexible and fair pricing, and scale that is unmatched in the industry. This data is cultivated from industry leading branded and unbranded Data Partners giving our Business Customers access to over a billion profiles across 30,000 Behavior categories that can be leveraged for Tailored Advertising, site optimization, custom segmentation and more to deliver the most relevant experiences to individuals at every touch point.
 - Lotame Collaborate is a service that allows our Business Customers to sell or share Audiences created using their First Party Data with other companies on other AdTech Platforms.

<https://www.lotame.com/privacy/privacy-notices/services/>.

12. Accordingly, the Accused Instrumentalities include Lotame's products and services described collectively as the "Spherical Platform" on Defendant's website.

13. For example, Defendant markets its Spherical Platform as a means for digital marketers and media owners to get "Data Empowered" to drive growth and revenue with actionable customer intelligence, data informed audiences, and identity powered activation. Specifically, the Spherical Platform helps Defendant's customers onboard, unify, model, enrich, and activate both known and unknown first-party data in smarter, faster, and easier ways. According to Defendant's website, this process allows helps digital marketers and media owners obtain a multidimensional view of their customers, and deliver personalized messages across all domains and devices.

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