

**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.

C.A. No. 24-cv-376-MN

JURY TRIAL DEMANDED

**ALMONDNET'S ANSWERING BRIEF IN OPPOSITION TO  
LOTAME'S MOTION TO DISMISS**

Dated: September 17, 2024

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## I. INTRODUCTION

In its motion to dismiss, Defendant Lotame Solutions, Inc. (“Lotame”) asks the Court to dismiss Plaintiffs AlmondNet, Inc., Intent IQ, LLC, and Datonics LLC’s (collectively, “AlmondNet”) claims for direct infringement, pre-suit damages, and indirect infringement. (D.I. 21.) But AlmondNet more than adequately pled allegations regarding infringement and pre-suit damages in its complaint. Lotame’s criticisms rest on ignoring the complaint (as to infringement and the accused products) or mischaracterizing the law (as to pre-suit damages). Lotame’s motion lacks merit and should be denied.

## II. NATURE AND STAGE OF PROCEEDINGS

On March 22, 2024, AlmondNet filed its complaint against Lotame, asserting infringement of five patents: U.S. Patent Nos. 8,677,398 (“398 Patent”), 8,589,210 (“210 Patent”), 10,984,445 (“445 Patent”), 8,775,249 (“249 Patent”), and 8,494,904 (“904 Patent”) (collectively, “Asserted Patents”). (D.I. 1.)

On June 6, 2024, Lotame filed a motion to dismiss. (D.I. 13.) On July 11, 2024, to address any alleged ambiguities in its initial complaint, AlmondNet amended the complaint. (D.I. 16.) The amended complaint contains detailed allegations regarding the accused products and services, consistent with Lotame’s descriptions in its own website and public facing documents.

On August 20, 2024, Lotame filed this second motion to dismiss. (D.I. 21.)

## III. SUMMARY OF ARGUMENT

1. As to direct infringement, AlmondNet fully complied with pleading requirements by alleging that Lotame infringes all limitations of Asserted Patents by making, using, selling, or offering to sell Lotame’s “Spherical Platform” product and services. According to Lotame’s own website, “Lotame operates a platform (**Spherical Platform**) that provides technology, services, and tools to provide audience management, identity, and data monetization services (our

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