

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

| | | |
|-------------------------------------|---|-----------------------------|
| CAREER DESTINATION |) | |
| DEVELOPMENT, LLC, |) | |
| a Kansas limited liability company, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 13-cv-2486 JWL/JPO |
| |) | |
| INDEED, INC., |) | |
| a Delaware corporation, |) | DEMAND FOR JURY TRIAL |
| |) | |
| Defendant. |) | |

COMPLAINT

Plaintiff Career Destination Development, LLC, through its undersigned attorneys of record, files this Complaint against defendant Indeed, Inc., and states and alleges as follows:

INTRODUCTION

1. This is a lawsuit for patent infringement.
2. This lawsuit stems from the flagrant theft of valuable intellectual property belonging to Career Destination Development, LLC (“Career Destination” or “Plaintiff”).
3. This intellectual property consists of the specifications for a unique type of employment posting and searching website.
4. This employment posting and searching website allows employers and potential employees to post and search job postings and make application for employment.
5. Marc Vianello (“Vianello”) developed the specifications for this website through years of painstaking research and experimentation, ultimately securing multiple United States patents. He assigned his interest in these patents to Career Destination, a company he formed for the purpose of commercializing this type of technology.

6. In complete disregard for Career Destination's intellectual property rights, defendant Indeed, Inc. ("Indeed" or "Defendant") put forth Vianello's invention as its own, seeking to profit from Vianello's efforts without giving him credit or compensation.

7. Defendant's actions have infringed and continue to infringe on Vianello's patents.

8. Accordingly, at a minimum, Career Destination seeks a reasonable royalty, together with such other and further relief as is available under 35 U.S.C. § 285.

PARTIES

9. Career Destination is a limited liability company organized and existing under the laws of the State of Kansas with a registered office at 5209 West 83rd Terrace, Prairie Village, Kansas 66207. Vianello organized Career Destination and his revocable trust is the sole member. Vianello invented the technology at issue in this case, obtaining multiple United States patents, including U.S. Patent Nos. 8,374,901, 7,424,438, and 7,797,181. These patents were assigned to Career Destination in March 2013. Career Destination possesses all rights, title and interest in these patents, including the right to sue for infringement. Career Destination is the developer of a website covered by these patents known as careerdestination.com.

10. Defendant Indeed is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 177 Broad Street, 6th Floor, Stamford, CT 06901. Indeed touts itself as "the #1 job site worldwide, with over 100 unique visitors per month." Indeed was founded in 2004 by Paul Forster and Rony Kahan, and is a subsidiary of Recruit Holdings Co., Ltd.

JURISDICTION AND VENUE

11. This is a patent infringement action brought under the patent laws of the United States, 35 U.S.C. Section 1 *et seq.* Career Destination seeks damages for patent

infringement and an injunction preventing Indeed from making, using, selling, offering to sell, importing, or inducing others to use Career Destination's patented technology without its permission.

12. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over Indeed because it has purposefully availed itself of the privilege of conducting business within this State and this district.

14. Venue in this district is proper under 28 U.S.C. §§ 1391 and 1400 because a substantial part of the events giving rise to the claims asserted herein occurred in this district, and Indeed has committed acts of infringement in this district.

FACTUAL BACKGROUND

Marc Vianello and Career Destination Development

15. Vianello attended college at the University of Missouri – Columbia. He graduated in 1975 with a Bachelor's of Science in Business Administration with a major in accountancy. He became a Certified Public Accountant in 1977.

16. Vianello spent the first part of his career working in public accounting. He interned with the firm of Peat Marwick Mitchell & Company (now known as KPMG LLP), and then took a full time position with the Kansas City office of Arthur Andersen & Company.

17. In 1980, Vianello left Arthur Andersen to become the Vice President of an oil and gas exploration company known as ENI Corporation. He remained in that capacity for just over a year, when he left to form his own oil and gas exploration company known as Remco Energy Corporation.

18. In 1987, while still operating Remco, Vianello went into business with his brother acquiring and managing apartment units. This business continued for several years, with Vianello ultimately owning approximately 500 units spread across five different properties.

19. In the early 1990s, as the real estate business began to draw to a close, Vianello and his brother founded a newspaper known as the *Kansas City Health Care Times*. The *Kansas City Health Care Times* focused on the healthcare industry, and sought to capture revenue from healthcare-specific classified advertising. Vianello operated this business until the late 1990s, when he discontinued publication of the newspaper and sold the classified advertising section to Sun Publications.

20. Around this time period Vianello formulated the idea for the invention that serves as the basis for this lawsuit.

21. As originally conceived the idea was to produce an Internet version of the *Kansas City Health Care Times* that contained healthcare-specific news and a classified advertising section. But competition from WebMD, which sought to cater to a similar clientele, made this idea unworkable. So Vianello shifted his focus to the classified advertising component and, more specifically, employment advertisements.

22. At first Vianello sought to create a digital job board that would solve the recruiting needs of hospitals. But in examining the recruiting needs of hospitals Vianello discovered that hospitals required such a broad array of workers to function—from nurses to cooks to janitors—that restricting his offering to hospitals made little sense. So he abandoned the hospital niche and began developing a broad-based recruiting tool for employers and prospective employees.

23. Because there were a number of broad-based, digital job boards in the marketplace, he knew he had to offer something more—something different—to attract users. So, instead of creating a digital job board where employers could post advertisements for open positions (paying for each posting), he created a website that allows employers to list for free each and every position whether it is open or not. When a particular position comes open, employers can make the position visible to prospective employees who might be searching the website. An employer is charged a fee only if a prospective employee submits an application for an open position, and the employer chooses to receive the prospective employee's name and contact information. Likewise, prospective employees can list their qualifications on the site, so they can be found by employers searching for qualified candidates. The employer is charged only if it chooses to receive the prospective employee's name and contact information, and the prospective employee consents to the release of this information.

24. To enhance searchability and increase the relevance of search results, information submitted to the site is standardized. Borrowing from the United States Department of Labor's *Dictionary of Occupational Titles* and the North American Industrial Classification System, the website utilizes a tiered classification system of industries and occupations. Employers can search for prospective employees possessing a particular level of experience in a particular occupation in a particular industry, and prospective employees can delineate the precise nature of their work history.

25. As Vianello continued to develop and refine his invention, he recognized the need to take steps to protect his invention from potential competitors. This led him to apply for and obtain a series of patents:

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