

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

E-NUMERATE SOLUTIONS, INC. and
E-NUMERATE, LLC,

Plaintiffs,

v.

MATTRESS FIRM HOLDING CORP.,

Defendant.

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs, e-Numerate Solutions, Inc. (“ESI”) and e-Numerate, LLC, bring this action against Defendant Mattress Firm Holding Corp. (“Mattress Firm”) and allege the following:

THE PARTIES

1. Plaintiff ESI is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located in Great Falls, VA.
2. Plaintiff e-Numerate, LLC is a limited liability corporation organized and existing under the laws of Delaware with its principal place of business located in Reston, VA.
3. ESI is the owner of record and assignee of United States Patents 7,650,355 (“the ‘355 patent”); 8,185,816 (“the ‘816 patent”); 9,262,383 (“the ‘383 patent”); and 9,268,748 (“the ‘748 patent”) (collectively, “the Asserted Patents”).
4. Plaintiff e-Numerate, LLC is the exclusive licensee of the Asserted Patents and has the exclusive right to pursue this lawsuit based on infringement of the Asserted Patents.
5. Defendant Mattress Firm is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 5815 Gulf Freeway, Houston, TX

77023. Mattress Firm's agent for service of process is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Defendant Mattress Firm since Defendant Mattress Firm is a Delaware corporation and Defendant Mattress Firm has regularly transacted business in this judicial district, directly or through intermediaries including various Mattress Firm subsidiaries. On information and belief, Defendant Mattress Firm or its subsidiaries operate multiple retail outlets within Delaware.

9. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(c) and (d), and 1400(b).

BACKGROUND

10. Inventor Russell T. Davis pioneered several inventions related to Reusable Data Markup Language including, but not limited to, the Asserted Patents.

11. Mattress Firm uses the eXtensible Business Reporting Language standard to routinely file documents with, inter alia, the Securities and Exchange Commission ("SEC"). An example of a Mattress Firm SEC filing is located at:

<https://www.sec.gov/Archives/edgar/data/1419852/000141985216000022/0001419852-16-000022-index.htm>

COUNT I: INFRINGEMENT OF THE U.S. PATENT 7,650,355

12. Plaintiffs re-allege and incorporate by reference the prior paragraphs 1 through 11 of this Complaint, as if fully set forth herein.

13. On January 19, 2010, U.S. Patent No. 7,650,355 was duly and legally issued to Russell T. Davis as the inventor thereof. A true and correct copy of the '355 Patent, which is entitled "Reusable Macro Markup Language", is attached hereto as Exhibit A.

14. Upon information and belief, Defendant Mattress Firm has infringed the '355 Patent in violation of 35 U.S.C. § 271(a) by using the patented invention to, *inter alia*, prepare and file multiple XBRL-compliant filings. This includes practicing the method set forth in claim 1 of the '355 patent; using a system as claimed in claim 27 of the '355 patent; using a computer readable medium as set forth in claim 28 of the '355 patent; and using a system as set forth in claim 54 of the '355 patent. An Infringement Chart detailing the infringement by Defendant Mattress Firm of Claims 1, 27, 28 and 54 of the '355 Patent is attached hereto as Exhibit B.

15. Defendant Mattress Firm has had knowledge of the '355 patent at least as early as August 18, 2016, by virtue of a letter sent from William Diefenderfer, ESI's Vice-Chairman & Co-Founder, to Ms. Kindel L. Elam, the General Counsel of Mattress Firm Holdings.

16. Upon information and belief, Mattress Firm's infringement has been and continues to be willful.

17. Plaintiffs are entitled to recover damages as a result of Mattress Firm's acts of infringement of the '355 Patent in amounts subject to proof at trial.

COUNT II: INFRINGEMENT OF THE '816 PATENT

18. Plaintiffs re-allege and incorporate by reference the prior paragraphs 1 through 17 of this Complaint, as if fully set forth herein.

19. On May 22, 2012, U.S. Patent No. 8,185,816 was duly and legally issued to Russell T. Davis as the inventor thereof. A true and correct copy of the '816 Patent, which is entitled "Combining Reusable Data Markup Language", is attached hereto as Exhibit C.

20. Upon information and belief, Mattress Firm infringed the '816 Patent in violation of 35 U.S.C. § 271(a) by using the patented invention to, *inter alia*, prepare and file multiple XBRL-compliant filings. This includes practicing the method set forth in claim 1 of the '816 patent; using a system as claimed in claim 10 of the '816 patent; using a computer readable medium as set forth in claim 17 of the '816 patent; using a system as set forth in claim 26 of the '816 patent, and practicing a method as claimed in claim 27 of the '816 patent. An Infringement Chart detailing the infringement by Mattress Firm of Claims 1, 10, 17, 26 and 27 of the '816 Patent is attached hereto as Exhibit D.

21. Mattress Firm was aware of the '816 patent at least as early as August 18, 2016, by virtue of a letter sent from William Diefenderfer, ESI's Vice-Chairman & Co-Founder, to Ms. Kindel L. Elam, the General Counsel of Mattress Firm Holdings.

22. Upon information and belief, Mattress Firm's infringement has been and continues to be willful.

23. Plaintiffs are entitled to recover damages as a result of Defendant Mattress Firm's acts of infringement of the '816 Patent with damages in amounts subject to proof at trial.

COUNT III: INFRINGEMENT OF THE '383 PATENT

24. Plaintiffs re-allege and incorporate by reference the prior paragraphs 1 through 23

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