

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

TRUNQATE, LLC,

Plaintiff,

Case No.

v.

HRSMART, INC.

JURY TRIAL DEMANDED

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Trunqate, LLC (“Trunqate” or “Plaintiff”) makes the following allegations against HRsmart, Inc.

PARTIES

1. Plaintiff Trunqate is a California limited liability company with its principal place of business at 547 South Marengo Ave., Ste. 104, Pasadena, CA 91101.

2. On information and belief, HRsmart, Inc. (“HRsmart” or “Defendant”) is a Delaware corporation with its principal place of business at 2929 North Central Expressway, Ste. 110, Richardson, TX 75080. HRsmart may be served through its registered agent Mark S. Hamdan, 2929 North Central Expressway, Ste. 110, Richardson, TX 75080.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,592,375

5. Plaintiff is the owner by assignment of United States Patent No. 5,592,375 (“the ‘375 Patent”) entitled “Computer-Assisted System for Interactively Brokering Goods or Services Between Buyers and Sellers” – including all rights to recover for past and future acts of infringement. The ‘375 Patent issued on January 7, 1997. A true and correct copy of the ‘375 Patent is attached as Exhibit A.

6. On information and belief, HRsmart has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of HRsmart and employee candidates, of the ‘375 Patent in this judicial district, and elsewhere in the United States. Infringements by HRsmart include, without limitation, offering for sale, and/or selling within the United States, at least HRsmart’s Applicant Tracking Solution system for assisting with an employer’s hiring decision from among a pool of candidates. Also upon information and belief, HRsmart knew or should have known that the Applicant Tracking Solution system for assisting with an employer’s hiring decision from among a pool of candidates would induce infringement by its customers and employee candidates. It is further alleged that HRsmart has contributed to the infringement of the ‘375 Patent by engaging in such activities knowing that its Applicant Tracking Solution system for assisting with an employer’s hiring decision from among a pool of candidates is especially made or especially adapted to be used in a method that infringes the ‘375 Patent, and which does not have a substantial non-infringing use. HRsmart is thus liable for infringement of the ‘375 Patent under 35 U.S.C. § 271(a), (b) & (c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '375 Patent;
2. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '375 Patent as provided under 35 U.S.C. § 284;
3. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
4. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: February 13, 2011

Respectfully submitted,
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