

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:20-cv-3553

ZOOMINFO TECHNOLOGIES LLC, a Delaware limited liability company,

Plaintiff,

v.

CARPEDATUM, LLC, a Colorado limited liability company,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff ZoomInfo Technologies LLC (“ZoomInfo”), for its complaint against CarpeDatum, LLC (“CarpeDatum”), alleges as follows:

INTRODUCTION

ZoomInfo curates a highly accurate database of information used by businesses worldwide in connection with their business-to-business sales, marketing, and recruiting. ZoomInfo invests millions of dollars annually to build and maintain its database and associated intellectual property and to constantly verify, update, and expand upon the information it provides to customers. To use this database, ZoomInfo’s customers pay tens and sometimes hundreds of thousands of dollars in subscription fees. The success of ZoomInfo’s business model depends on a customer’s faith on the continued availability—and exclusivity—of ZoomInfo’s database.

Instead of paying for a subscription like other customers, CarpeDatum gained unauthorized access to ZoomInfo’s database for years, thereby improperly acquiring and gaining knowledge of

the data contained therein. CarpeDatum then used this improperly acquired data to market and promote its products and services. ZoomInfo therefore brings this suit to protect its highly valuable intellectual property, recover its damages, and ensure fairness for itself and for its customers.

PARTIES

1. ZoomInfo is a Delaware limited liability company. Its principal place of business is located in Vancouver, Washington.

2. CarpeDatum is a Colorado limited liability company. Its principal place of business is located in Aurora, Colorado.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1338(a) and (b). This Court also has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367.

4. This Court has personal jurisdiction over CarpeDatum because CarpeDatum is a Colorado limited liability company. Venue is proper in this district because a substantial part of the events and omissions giving rise to this action occurred in this district. 28 U.S.C. § 1391(b)(2).

FACTS AND ALLEGATIONS

A. ZoomInfo's Platform.

5. ZoomInfo provides business-to-business marketing data including business contact data, firmographic information, and other competitive intelligence. It delivers this data to paying subscribers via a password-secured, online graphical user interface. ZoomInfo's subscribers gain access to its database of marketing information profiling businesses in the United States and across

the globe. ZoomInfo has been recognized as an industry leader in sales and marketing intelligence. The depth, breadth, and accuracy of ZoomInfo's database is unrivaled in the marketplace.

6. ZoomInfo has invested, and continues to invest, tens of millions of dollars to develop and maintain the infrastructure, content, and quality of its database. To deliver timely and comprehensive data to ZoomInfo's clients, ZoomInfo employs hundreds of research analysts focused on building, managing, and updating ZoomInfo's database. ZoomInfo expends substantial labor, time, and resources to collect, organize, and disseminate the information in its database. In total, ZoomInfo employs thousands of people, and has made significant investment in developing and purchasing software, hardware, and other equipment to continuously update and support the accuracy and comprehensiveness of its database. ZoomInfo's database displays the selection, arrangement, orchestration, compilation, and presentation of the organizational charts, contacts, and other information collected and assembled by ZoomInfo's analysts.

7. ZoomInfo licenses access to its database to thousands of companies. ZoomInfo's database is valuable to companies like CarpeDatum because they use the detailed information collected by ZoomInfo to market their own products and services.

8. Indeed, CarpeDatum was a customer until December 2019.

9. The database's value depends on its exclusivity. To protect the database's value, ZoomInfo has implemented reasonable security measures. For example, access to ZoomInfo's database requires a password, and only users that have signed restrictive license agreements receive this password. ZoomInfo also uses mail monitoring and list protection to secure the integrity of its database.

B. CarpeDatum’s Wrongful Conduct.

9. Instead of acquiring a license from ZoomInfo to access the proprietary and confidential subscriber-only portions of the platform, CarpeDatum gained unauthorized access to ZoomInfo’s proprietary information by using login credentials issued to existing ZoomInfo customers. CarpeDatum thus acquired and gained knowledge of ZoomInfo’s proprietary data without using proper means. CarpeDatum then used this improperly acquired data to market and promote its products and services. This conduct presents a critical threat to ZoomInfo: if everyone did what CarpeDatum has done, ZoomInfo could not survive as a business, and the resource ZoomInfo provides to its customers would be completely lost. Through its actions, CarpeDatum sought to enjoy a “free ride” off of the license fees paid by ZoomInfo’s legitimate customers.

10. Beginning in February 2020, CarpeDatum gained unauthorized access to ZoomInfo’s database. CarpeDatum’s own managing partner has conducted downloads of ZoomInfo data using logins from another customer’s account. These actions allowed CarpeDatum to acquire and gain knowledge of ZoomInfo’s proprietary database using improper means. On information and belief, CarpeDatum used and continues to use the improperly acquired data to market and promote its products and services.

11. CarpeDatum acted knowingly, intentionally, and willfully in accessing and using ZoomInfo’s proprietary information without authorization and without compensating ZoomInfo. CarpeDatum knew that its actions were unauthorized because it was a customer until December 2019. CarpeDatum therefore intentionally and wrongfully profited from its unauthorized use of ZoomInfo’s proprietary information, including, but not limited to, by reducing the time, effort, and

expense associated with identifying and contacting potential new customers and business opportunities.

12. CarpeDatum knew that ZoomInfo's data was confidential and proprietary and subject to restrictive license agreements. Even so, CarpeDatum knowingly accessed and acquired knowledge of ZoomInfo's data without any license or authorization to do so. On information and belief, CarpeDatum took these actions to profit from ZoomInfo's data without paying ZoomInfo.

13. At all relevant times, CarpeDatum had a duty to train and supervise the conduct of its employees and agents acting on its behalf. CarpeDatum breached this duty in two ways:

- (a) by failing to train and monitor its employees and agents adequately; and
- (b) by failing to have appropriate policies in place regarding unauthorized access to computer systems, communication, storage networks, and copyrighted works and trade secrets, and/or failing to enforce such policies.

14. On information and belief, all of CarpeDatum's alleged actions here were performed by employees or other agents of CarpeDatum within the scope of their employment or other agency relationship with CarpeDatum, on CarpeDatum's behalf, and for CarpeDatum's benefit.

FIRST CLAIM FOR RELIEF
(Theft of Trade Secrets – 18 U.S.C. § 1832, et seq.)

15. ZoomInfo incorporates herein by reference the allegations in paragraphs 1 through 14.

16. ZoomInfo gathers, organizes, generates, collects, and assembles in-depth, commercially valuable information (including reporting structures, contact information, and other data), expending substantial time, labor, and expense to do so. ZoomInfo's database and the

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