

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MEDALLIA INC.,

Plaintiff,

v.

CONTENT SQUARE SAS,

Defendant.

Case No. 6:21-cv-532

**COMPLAINT FOR PATENT INFRINGEMENT AND
DEMAND FOR JURY TRIAL**

Plaintiff Medallia Inc. (“Plaintiff” or “Medallia”), by and through its counsel, files its Complaint against Defendant Content Square SAS (“Defendant” or “Content Square”) and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of Plaintiff’s United States Patent No. 8,886,552 (“the ‘552 Patent”) by Defendant under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

PARTIES

2. Plaintiff Medallia is a publicly traded corporation organized and existing under the laws of the State of Delaware. Medallia maintains an office within this Judicial District at 211 East 7th St., Floor 11, Austin, TX 78701.

3. Upon information and belief, Defendant Content Square SAS is a company organized and existing under the laws of France, having its principal place of business at 5 Boulevard de la Madeleine, 75001 Paris, France.

4. Upon information and belief, Content Square has over 700 employees located in France, Israel, the United States, Japan, the United Kingdom, and Germany, including in Austin, Texas.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Content Square at least because Content Square has committed one or more of the infringing acts complained of herein in Texas and in this Judicial District. On information and belief, Content Square places infringing products into the stream of commerce, and/or causes such products to be placed into the stream of commerce, with the knowledge, understanding, and expectation that such products will be sold and/or used in Texas and in this Judicial District. Additionally, upon information and belief, Content Square

maintains an office in this Judicial District, has multiple employees in this Judicial District, and is currently advertising multiple open sales, marketing, and engineering positions in this Judicial District. Plaintiff is informed and believes, and on that basis alleges, that Content Square derives substantial revenue from the sale of infringing products in this Judicial District, expects its actions to have consequences in this Judicial District, and derives substantial revenue from its acts in this Judicial District. Thus, a substantial part of the events giving rise to Medallia's claims occurred and continues to occur in this Judicial District. On information and belief, Content Square has purposefully availed itself of the privilege of conducting activities within the State of Texas and within this Judicial District. Content Square's activities in the State of Texas and within this Judicial District are continuous and systematic and give rise to the liabilities that are the subject of this Complaint. More specifically, on information and belief, Content Square's activities include, inter alia, developing, promoting, and supporting infringing products that it offers for sale, sells, markets, advertises, and supports at least in part through personnel in Texas and in this Judicial District. See, e.g., <https://contentsquare.com/blog/the-digital-happiness-summer-roadshow-2019/> ("We're hosting our Austin roadshow at Maggie Mae's, an iconic 'bar' that screams Austin.") (visited on 5-23-21).

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Content Square resides, and/or is deemed to reside, in this Judicial District and has substantial, systematic, and continuous contacts with this Judicial District. On information and belief, Content Square has committed acts of infringement in this Judicial District and/or has purposefully transacted business involving the accused products in this District including by, among other things, making, using, selling, offering to sell, and/or importing products in this Judicial District by itself or in conjunction with others, either directly or through intermediaries.

FACTUAL BACKGROUND

8. Medallia is a leader in customer, employee, citizen, and patient experience analytics. Medallia's award-winning SaaS platform, Medallia Experience Cloud, captures

billions of experience signals across voice, video, digital, IoT, social media, and corporate messaging channels. Medallia has invested substantial time and money in developing its proprietary artificial intelligence and machine learning technology to automatically uncover predictive insights that drive powerful business actions and outcomes.

9. The '552 Patent addresses a real need to evaluate user reaction and user experience when navigating through websites over a network. The '552 Patent is an improvement over pre-existing computer technology that enables more accurate and interactive analysis of user interaction and feedback collected on the websites over the network in real time. By improving the underlining computer technology for user feedback analysis, the '552 Patent has achieved commercial success as exemplified by Medallia's award-winning SaaS platform, the Medallia Experience Cloud, which leads the market in understanding and management of experience for customers, employees, patients and citizens. The '552 invention can reduce churn, turn detractors into promoters and buyers, create in-the-moment cross-sell and up-sell opportunities and drive revenue-impacting business decisions.

10. Content Square was founded in 2012 by Jonathan Cherki, who serves as CEO of Content Square SAS.

FIRST CAUSE OF ACTION

(Infringement of Patent No. 8,886,552)

11. Medallia hereby re-alleges and incorporates by reference the foregoing paragraphs of the Complaint as if fully set forth herein.

12. The '552 Patent, entitled "METHOD AND SYSTEM FOR ONLINE USER FEEDBACK ON WEBSITES AND SOFTWARE," was duly and legally issued on November 11, 2014.

13. Medallia owns all right, title, and interest in the '552 Patent as well as the right to sue for, collect, and receive damages for past, present, and future infringements of the '552 Patent. A true and correct copy of the '552 Patent is attached hereto as Exhibit A.

14. The '552 Patent is valid and enforceable.

15. Content Square has infringed and continues to infringe, literally and/or by the doctrine of equivalents, one or more claims of the ‘552 Patent by making, using, selling, and/or offering to sell its web analytics platform(s), alone or in coordination with one or more Technology Partners (<https://partners.contentsquare.com/technology-partners>) other than Medallia, including but not limited to Survey Monkey, in violation of at least one claim of the ‘552 Patent (“the Accused Product”) in the United States and/or importing the Accused Product into the United States. On information and belief, the Accused Product infringes at least claim 1 of the ‘552 Patent because the Accused Product “helps companies understand hidden customer behaviors, and use those insights to drive more successful experiences” (<https://Content Square.com/>). For example, the Accused Product collects and analyzes structured user feedback on websites as shown below:

Scrutinize and quantify
negative feedback

Uncover why you’re getting specific feedback on your digital properties through advanced integrations with leading Voice of Customer vendors, and quantify the impact on your top line. Link behavior analysis with those who have left feedback, enabling you to quickly contextualize why visitors are saying what they do. Learn more about Voice of Customer integrations.

<https://Content Square.com/why-Content Square/design-ux-teams/>

16. Moreover, as indicated on Content Square’s website, the Accused Product generates and provides structured feedback forms for providing website user feedback on website user interaction that includes selectable feedback messages provided in a categorized and nested structure.

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