

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**CYVA RESEARCH HOLDINGS, LLC,**

Plaintiff,

v.

**AIRBNB, INC.,**

Defendant.

**Civil Action No. 2:15-cv-384**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which CYVA Research Holdings, LLC (“CYVA” or “Plaintiff”) makes the following allegations against AirBNB, Inc. (“AirBNB” or “Defendant”):

**PARTIES**

1. Plaintiff CYVA is a Texas limited liability company, having a principal place of business of 7005 Chase Oaks Blvd., Suite 180, Plano, TX 75025.
2. Upon information and belief, Defendant AirBNB is a Delaware corporation with its principal place of business located 888 Brannan St., San Francisco, CA 94103. AirBNB may be served via its registered agent for service of process: Corporation Service Company, 2711 Centerville Rd, Suite 400, Wilmington, DE 19808.

**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 pursuant to 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.

5. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 8,195,569**

6. Plaintiff is the owner by assignment of United States Patent No. 8,195,569 ("the '569 Patent") titled "E-bazaar featuring personal information security." The '569 Patent issued on June 5, 2012. A true and correct copy of the '569 Patent is attached as Exhibit A.

7. Upon information and belief, Defendant has been and is now infringing the '569 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems practiced on Defendant's website (including, without limitation, www.airbnb.com and its auction services and related internal systems supporting the operation of said websites) providing an electronic bazaar, an advertiser client and a buyer client, both configured to send one or more items of personal information, a product database, and an electronic broker that provides trusted processing of transactions, ensuring that the rules governing the buyers and sellers personal information are satisfied, covered by one or more claims of the '569 Patent to the injury of

CYVA. Defendant is directly infringing, literally infringing, and/or infringing the '569 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '569 Patent pursuant to 35 U.S.C. § 271.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '569 Patent complied with any such requirements.

9. As a result of Defendant's infringement of the '569 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '569 Patent, Plaintiff will be greatly and irreparably harmed.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '569 Patent;
2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '569 Patent, or such other equitable relief the Court determines is warranted;
3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '569

Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

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

DATED March 16, 2015.

Respectfully submitted,

By: /s/ Hao Ni

Hao Ni

Texas Bar No. 24047205

hni@nilawfirm.com

Timothy T. Wang

Texas Bar No. 24067927

twang@nilawfirm.com

Neal G. Massand

Texas Bar No. 24039038

nmassand@nilawfirm.com

Stevenson Moore V

Texas Bar No. 24076573

smoore@nilawfirm.com

**NI, WANG & MASSAND, PLLC**

8140 Walnut Hill Ln., Ste. 500

Dallas, TX 75231

Tel: (972) 331-4600

Fax: (972) 314-0900

**ATTORNEYS FOR PLAINTIFF CYVA  
RESEARCH HOLDINGS, LLC**