

1 R. Scott Weide, Esq.
Nevada Bar No. 5541
2 *SWeide@WeideMiller.com*
Ryan Gile, Esq.
3 Nevada Bar No. 8807
rgile@weidemiller.com
4 **WEIDE & MILLER, LTD.**
7251 West Lake Mead Blvd. Suite 530
5 Las Vegas, NV 89128
Telephone: (702) 382-4804
6 Facsimile: (702) 382-4805

7 Craig S. Summers, Esq. (admitted *pro hac vice*)
craig.summers@knobbe.com
8 David G. Jankowski, Esq. (admitted *pro hac vice*)
david.jankowski@knobbe.com
9 Jared C. Bunker, Esq. (admitted *pro hac vice*)
jared.bunker@knobbe.com

10 **KNOBBE, MARTENS, OLSON & BEAR, LLP**
2040 Main Street, Fourteenth Floor
11 Irvine, CA 92614
Telephone: (949) 760-0404
12 Facsimile: (949) 760-9502

13 Steven A. Maddox, Esq. (admitted *pro hac vice*)
steve.maddox@knobbe.com

14 **KNOBBE, MARTENS, OLSON & BEAR, LLP**
1717 Pennsylvania Ave. N.W., Suite 900
15 Washington, D.C. 20006
Telephone: (202) 640-6400
16 Facsimile: (202) 640-6401

17 Attorneys for Plaintiff
18 CEATS, INC.

19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE DISTRICT OF NEVADA**

21 CEATS, INC., a Nevada corporation,

22 Plaintiff,

23 v.

24 ORBITZ WORLDWIDE, INC., a Delaware
corporation, and ORBITZ, LLC, a Delaware
25 limited liability company,

26 Defendants.

Case No. 13-cv-01385-MMD-VCF

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Honorable Miranda M. Du

1 Plaintiff CEATS, Inc. ("CEATS") for its Complaint against Defendants Orbitz
2 Worldwide, Inc. ("Orbitz Worldwide") and Orbitz, LLC, alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the patent laws of the United States, Title 35 of the
5 United States Code.

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

8 3. Upon information and belief, Defendants conduct business throughout the
9 United States, including in this Judicial District, and has committed the acts complained of in
10 this Judicial District and elsewhere. Venue is proper in this Judicial District pursuant to 28
11 U.S.C. §§ 1391(b)–(d) and 1400(b).

12 4. Upon information and belief, Defendants are subject to this Court's specific
13 and general personal jurisdiction, due at least to its substantial business in this forum,
14 including committing at least a portion of the infringements alleged herein, regularly doing or
15 soliciting business, engaging in other persistent courses of conduct, and deriving substantial
16 revenue from goods and services provided to individuals in this Judicial District.

17 **PARTIES**

18 5. Plaintiff CEATS is a Nevada corporation with its principal place of business at
19 800 E. Charleston Boulevard, Las Vegas, Nevada.

20 6. Upon information and belief, Defendant Orbitz Worldwide is a Delaware
21 corporation with its principal place of business at 500 W. Madison Street, Suite 1000,
22 Chicago, Illinois 60661.

23 7. Upon information and belief, Defendant Orbitz, LLC is a Delaware limited
24 liability company with its principal place of business at 500 W. Madison Street, Suite 1000,
25 Chicago, Illinois 60661. Upon information and belief, Orbitz, LLC is the owner and operator
26 of the website www.orbitz.com.

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FIRST CAUSE OF ACTION

(Infringement of U.S. Patent No. 7,548,867)

8. CEATS incorporates by reference and realleges each of the allegations of Paragraphs 1–7.

9. On June 16, 2009, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,548,867 (“the ’867 patent”), entitled “System and Method for Maintaining Coherency of Data Entries.” A true and correct copy of the ’867 patent is attached hereto as Exhibit 1.

10. CEATS is the owner by assignment of the ’867 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

11. Upon information and belief, Defendants have in the past infringed and are currently infringing the ’867 patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling seat selection systems and/or methods covered by one or more claims of the ’867 patent, including but not limited to systems and/or methods implemented through one or more websites or applications, including at least www.orbitz.com.

12. Upon information and belief, Defendants’ infringement will continue unless enjoined by this Court. Unless Defendants are enjoined from infringing the ’867 patent, CEATS will continue to suffer irreparable injury for which it has no adequate remedy at law.

13. Upon information and belief, Defendants have derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to CEATS. Due to Defendants’ infringement of the ’867 patent, CEATS has been damaged and is entitled to monetary relief in an amount to be determined at trial.

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SECOND CAUSE OF ACTION

(Infringement of U.S. Patent No. 7,640,178)

14. CEATS incorporates by reference and realleges each of the allegations of Paragraphs 1–13.

15. On December 29, 2009, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,640,178 (“the ’178 patent”), entitled “System and Method for Selecting and Reserving Seats Using a Touch Screen Device.” A true and correct copy of the ’178 patent is attached hereto as Exhibit 2.

16. CEATS is the owner by assignment of the ’178 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

17. Upon information and belief, Defendants have in the past infringed and are currently infringing the ’178 patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling seat selection systems and/or methods covered by one or more claims of the ’178 patent, including but not limited to systems and/or methods implemented through one or more websites or applications, including at least www.orbitz.com.

18. Upon information and belief, Defendants’ infringement will continue unless enjoined by this Court. Unless Defendants are enjoined from infringing the ’178 patent, CEATS will continue to suffer irreparable injury for which it has no adequate remedy at law.

19. Upon information and belief, Defendants have derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to CEATS. Due to Defendants’ infringement of the ’178 patent, CEATS has been damaged and is entitled to monetary relief in an amount to be determined at trial.

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THIRD CAUSE OF ACTION

(Infringement of U.S. Patent No. 7,660,727)

20. CEATS incorporates by reference and realleges each of the allegations of Paragraphs 1–19.

21. On February 9, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,660,727 (“the ’727 patent”), entitled “System and Method for Selecting and Reserving Rooms at a Venue.” A true and correct copy of the ’727 patent is attached hereto as Exhibit 3.

22. CEATS is the owner by assignment of the ’727 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

23. Upon information and belief, Defendants have in the past infringed and are currently infringing the ’727 patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling seat selection systems and/or methods covered by one or more claims of the ’727 patent, including but not limited to systems and/or methods implemented through one or more websites or applications, including at least www.orbitz.com.

24. Upon information and belief, Defendants’ infringement will continue unless enjoined by this Court. Unless Defendants are enjoined from infringing the ’727 patent, CEATS will continue to suffer irreparable injury for which it has no adequate remedy at law.

25. Upon information and belief, Defendants have derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to CEATS. Due to Defendants’ infringement of the ’727 patent, CEATS has been damaged and is entitled to monetary relief in an amount to be determined at trial.

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FOURTH CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,219,448)

26. CEATS incorporates by reference and realleges each of the allegations of Paragraphs 1–25.

27. On July 10, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,219,448 (“the ’448 patent”), entitled “System and Method for Managing Airline Seat Reservations.” A true and correct copy of the ’448 patent is attached hereto as Exhibit 4.

28. CEATS is the owner by assignment of the ’448 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

29. Upon information and belief, Defendants have in the past infringed and are currently infringing the ’448 patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling seat selection systems and/or methods covered by one or more claims of the ’448 patent, including but not limited to systems and/or methods implemented through one or more websites or applications, including at least www.orbitz.com.

30. Upon information and belief, Defendants’ infringement will continue unless enjoined by this Court. Unless Defendants are enjoined from infringing the ’448 patent, CEATS will continue to suffer irreparable injury for which it has no adequate remedy at law.

31. Upon information and belief, Defendants have derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to CEATS. Due to Defendants’ infringement of the ’448 patent, CEATS has been damaged and is entitled to monetary relief in an amount to be determined at trial.

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FIFTH FIRST CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,229,774)

32. CEATS incorporates by reference and realleges each of the allegations of Paragraphs 1–31.

33. On July 24, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,229,774 (“the ’774 patent”), entitled “System and Method for Arbitrating the Selection and Reserving of Airline Seats.” A true and correct copy of the ’774 patent is attached hereto as Exhibit 5.

34. CEATS is the owner by assignment of the ’774 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

35. Upon information and belief, Defendants have in the past infringed and are currently infringing the ’774 patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling seat selection systems and/or methods covered by one or more claims of the ’774 patent, including but not limited to systems and/or methods implemented through one or more websites or applications, including at least www.orbitz.com.

36. Upon information and belief, Defendants’ infringement will continue unless enjoined by this Court. Unless Defendants are enjoined from infringing the ’774 patent, CEATS will continue to suffer irreparable injury for which it has no adequate remedy at law.

37. Upon information and belief, Defendants have derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to CEATS. Due to Defendants’ infringement of the ’774 patent, CEATS has been damaged and is entitled to monetary relief in an amount to be determined at trial.

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SIXTH CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,244,561)

38. CEATS incorporates by reference and realleges each of the allegations of Paragraphs 1–37.

39. On August 14, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,244,561 (“the ’561 patent”), entitled “System and Method for Selecting and Reserving Airline Seats.” A true and correct copy of the ’561 patent is attached hereto as Exhibit 6.

40. CEATS is the owner by assignment of the ’561 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

41. Upon information and belief, Defendants have in the past infringed and is currently infringing the ’561 patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling seat selection systems and/or methods covered by one or more claims of the ’561 patent, including but not limited to systems and/or methods implemented through one or more websites or applications, including at least www.orbitz.com.

42. Upon information and belief, Defendants’ infringement will continue unless enjoined by this Court. Unless Defendants are enjoined from infringing the ’561 patent, CEATS will continue to suffer irreparable injury for which it has no adequate remedy at law.

43. Upon information and belief, Defendants have derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to CEATS. Due to Defendants’ infringement of the ’561 patent, CEATS has been damaged and is entitled to monetary relief in an amount to be determined at trial.

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PRAYER FOR RELIEF

Wherefore, CEATS prays for the following relief:

A. An Order adjudging Orbitz Worldwide, Inc. and Orbitz, LLC to have infringed the '867, '178, '727, '448, '774, and '561 patents;

B. A permanent injunction enjoining Orbitz Worldwide, Inc. and Orbitz, LLC, as well as their officers, agents, servants, employees, and attorneys and those persons in active concert or participation with Orbitz Worldwide, Inc. and Orbitz, LLC, from infringing the '867, '178, '727, '448, '774, and '561 patents;

C. An accounting of all gains, profits, and advantages derived by Orbitz Worldwide, Inc.'s and Orbitz, LLC's infringement of the '867, '178, '727, '448, '774, and '561 patents, and for damages adequate to compensate CEATS for Orbitz Worldwide, Inc.'s and Orbitz, LLC's infringement of the '867, '178, '727, '448, '774, and '561 patents;

D. An award of pre-judgment and post-judgment interest and costs of this action against Orbitz Worldwide, Inc. and Orbitz, LLC;

E. An award to CEATS of its attorneys' fees incurred in connection with this action; and

F. Such other and further relief as the Court may deem just and proper.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 21, 2013

By: /s/Jared C. Bunker

Craig S. Summers (admitted *pro hac vice*)
Steven A. Maddox (admitted *pro hac vice*)
David G. Jankowski (admitted *pro hac vice*)
Jared C. Bunker (admitted *pro hac vice*)
2040 Main Street, Fourteenth Floor
Irvine, CA 92614

and

WEIDE & MILLER, LTD.

R. Scott Weide, Esq.
Ryan Gile, Esq.
7251 W. Lake Mead Blvd., Suite 530
Las Vegas, NV 89128

Attorneys for Plaintiff
CEATS, INC.

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-9- First Amended Complaint for Patent Infringement

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff CEATS, Inc. demands a trial by jury of all issues raised by the pleadings which are triable by jury.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 21, 2013

By: /s/Jared C. Bunker

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Jared C. Bunker (admitted *pro hac vice*)
2040 Main Street, Fourteenth Floor
Irvine, CA 92614

and

WEIDE & MILLER, LTD.

R. Scott Weide, Esq.
Ryan Gile, Esq.
7251 W. Lake Mead Blvd., Suite 530
Las Vegas, NV 89128

Attorneys for Plaintiff
CEATS, INC.

16485686

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2013, I caused the **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following person(s):

E. Leif Reid
LEWIS ROCA ROTHBERGER LLP
50 West Liberty Street, Suite 410
Reno, Nevada 89501
Telephone: (775) 823-2900
Facsimile: (775) 823-2929
lreid@lrrlaw.com

Executed on October 21, 2013, at Los Angeles, California.



Doreen P. Buluran

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