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

LINK ENGINE TECHNOLOGIES, LLC, a Texas Limited Liability Company, v. NYP HOLDINGS, INC., a Delaware Corporation; and JOHN DOES 1 -10, Defendants.	Civil Action No. _____ **(JURY TRIAL DEMANDED)**

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Link Engine Technologies LLC ("***Link Engine***" or "***Plaintiff***"), by and through its attorneys, makes and files this Complaint against Defendant NYP Holdings, Inc. ("***New York Post***" or "***Defendant***"), and John Does 1 – 10. In support of this Complaint, Plaintiff alleges and complains as follows:

PARTIES

2. Link Engine is a Texas Limited Liability Company.

3. NYP Holdings, Inc. is a Delaware corporation organized under the laws of the state of Delaware, with its principle place of business located at 1211 Avenue of the Americas Lowe C31, New York, NY 10036.

4. NYP Holdings can be served with process through its registered agent: The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

5. John Does 1 – 10 represent entities which may be identified through the course and scope of discovery.

JURISDICTION AND VENUE

6. Upon information and belief, New York Post directly and/or through its intermediaries, ships, distributes, offers for sale, sells and /or advertises its products and services in this State via its website www.nypost.com for use within this jurisdiction.

7. By placing infringing products into the stream of commerce with the intent that they be sold, offered for sale, purchased, and used, New York Post has transacted and continues to transact business in Texas.

8. Upon information and belief, Defendant contracts to supply services to this State and this District, including but not limited to: advertising to residents of Texas and providing home delivery for residents of Texas. (http://nypost.com/tag/texas/) last visited September 30, 2016.

GENERAL ALLEGATIONS

9. Plaintiff owns U.S. Patent No. 7,480,694 (the "**'694 Patent**"), titled "Web Playlist System, Method and Computer Program", issued on January 20, 2009. A copy of the '694 Patent is attached as Exhibit A.

10. Plaintiff is the owner, by assignment, of the '694 Patent, and has standing to sue and recover for all past, present, and future damages for infringement of the '694 Patent.

11. New York Post has not been granted a license or any other rights to the '694 Patent.

12. The inventions of the '694 Patent resolve technical problems related to computerized browsing and display technology. For example, the inventions include a playlist engine configured to retrieve successive network addresses from a sequence and display web pages corresponding to the network addresses in a browser window.

CLAIM 1

(PATENT INFRINGEMENT – AGAINST ALL DEFENDANTS)

13. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all other paragraphs.

14. Plaintiff has complied with 35 U.S.C. § 287.

15. The claims of the ’694 Patent do not merely recite the performance of a business practice long known from the pre-internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’694 Patent recite one or more inventive concepts that are rooted in Internet browsing and display technologies, and overcome problems specifically arising in the realm of Internet browsing and display technologies.

16. The claims of the ’694 Patent recite an invention that is not merely the routine or conventional use of Internet browsing and display systems. Instead, the invention describes a re-playable sequence of web pages with specific display functionality, and a playlist engine for retrieving network addresses associated with the web pages.

17. The inventions claimed in the ’694 Patent do not preempt all ways of Internet browsing and display, nor preempt any other well-known or prior art technology.

18. Accordingly, each claim of the ’694 Patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

19. Upon information and belief, Defendant, either alone or in conjunction with others, has infringed and continues to infringe, contributes to infringement, and/or induces infringement of the ‘694 Patent by making, using, selling and/or offering to sell, and/or causing others to use, methods and systems, including but not limited to New York Post’s website in

which users can upload, share, and view videos (the "***Accused Product***"), that infringe one or more claims of the '694 Patent, including, but not limited to claims 1, 7, 13, 20, and 28 of the '694 Patent, and may include other claims of infringement to be identified through discovery.

20. By way of example and not as a limitation, Defendant's Accused Product performs each and every element of the '694 Patent's method claims 1 by:

a. Having at least one browser window configured to display to a user at least one web page identified by one of a plurality of network addresses in computer memory, said network addresses representing a sequence through for example its "Video" feature.

b. Including a playlist engine configured to retrieve user selected network address(es) from the sequence, and further configured to display, in the browser window, web pages corresponding to the user selected network addresses through its "Videos" section on its webpage.

c. Having a control panel configured to enable a user to select for display in the browser window(s) at least one of the web pages corresponding to the user selected network address(es), the control panel having a play mode control which when selected by the user causes the playlist engine to retrieve successive addresses from the sequence in the absence of user selection and to display in the browser window web pages corresponding to the retrieved successive addresses, the web pages each displayed for one or more predefined durations as the user may click on a thumbnail in the control panel to achieve the playing of successive videos in the sequence. Each of the videos in the sequence has a predefined length it will play.

d. Having the network addresses associated with one or more duration values, the predefined duration for each web page specified by the associated duration value as each of the videos in the playlist have a specified duration value.

e. Having a timer configured to display, for at least one of the displayed web pages, the time remaining for the playlist engine to display the web page through its display of the time that the video has left to play.

21. Defendant has further infringed, and continues to so infringe, by knowingly inducing purchasers and users of the Accused Product to directly infringe the ’694 Patent.

22. Defendant has further infringed, and continues to so infringe, by knowingly providing to its end users Accused Product which are especially made or especially adapted for infringement under the ’694 Patent, which are a material part of the infringement, and for which there are no substantial non-infringing uses.

23. Defendant’s infringing activities have injured and will continue to injure Plaintiff unless and until this Court enters an injunction prohibiting further infringement of the ’694 Patent.

24. Defendant’s infringing activities have damaged Plaintiff, which is entitled to recover from Defendant damages in an amount subject to proof at trial, but in no event less than a reasonable royalty.

25. In particular, New York Post engaged in and continues to engage in willful and knowing patent infringement because it has actual knowledge of the patent at least as early as the filing of this Complaint.

26. In particular, upon information and belief, New York Post has generated significant sales revenue by incorporating the Plaintiff's technology in its website, easily exposing New York Post to significant liability for its infringement of the '694 Patent.

27. From at least as early as the filing of this Complaint, when New York Post was given actual notice of the '694 Patent, New York Post induced infringement because it knew, or should have known, that its acts would cause patent infringement, and it acted with intent to encourage direct infringement by its users.

28. At least as early as the filing of this Complaint, New York Post contributed to direct infringement by its end users by knowing that its Accused Product and methods would be implemented by its end users; that its methods, components, system and Accused Product were especially made or especially adapted for a combination covered by one or more claims of the '694 Patent; that there are no substantial non-infringing uses; and the Accused Product is a material part of the infringement.

29. New York Post has knowledge of the '694 Patent and is infringing despite such knowledge. The infringement has been and continues to be willful and deliberate.

30. New York Post's acts of infringement have damaged Plaintiff, and Plaintiff is entitled to recover from MRM the damages sustained as a result of MRM's wrongful acts in an amount subject to proof at trial, but in no event less than a reasonable royalty.

31. New York Post's infringing activities have injured and will continue to injure Plaintiff unless and until this Court enters an injunction prohibiting further infringement of the '694 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that, after a trial, this Court enter judgment against Defendant as follows:

A. An entry of final judgment in favor of Plaintiff and against Defendant;

B. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

C. An injunction permanently prohibiting Defendant and all persons in active concert or participation with Defendant from further acts of infringement of '694 Patent;

D. Treble damages as provided for under 35 U.S.C. § 284 in view of the knowing, willful, and intentional nature of Defendant's acts;

E. Awarding Plaintiff its costs and expenses of this litigation, including its reasonable attorneys' fees and disbursements, pursuant to 35 U.S.C. § 285; and

F. Such other further relief that Plaintiff is entitled to under the law, and any other and further relief that this Court or a jury may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims and issues so triable.

Respectfully Submitted,

Dated: October 4, 2016

By: */s/ Elizabeth L. DeRieux*

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