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

VILOX TECHNOLOGIES, LLC
 	
    Plaintiff,
 	
v.
 	
MINDGEEK USA, INC.
 	
    Defendant.
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	)
	) Civil Action No. _____
	)
	) **JURY TRIAL DEMANDED**
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COMPLAINT

For its Complaint, Plaintiff Vilox Technologies, LLC ("Vilox"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   Vilox is a Texas limited liability company having a principal place of business at 101 E. Park Boulevard, Suite 600, Plano, Texas 75704.

2.   Defendant MindGeek USA, Inc. ("MindGeek") is a Delaware corporation, having a principal place of business at 2300 Empire Avenue, 7th Floor, Burbank, California 91504.

JURISDICTION AND VENUE

3.   This action arises under the patent laws of the United States, Title 35 of the United States Code, 35 U.S.C. § 1 *et seq.* The Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. § 271, and 28 U.S.C. §§ 1331 and 1338.

4.   The Court has personal jurisdiction over MindGeek because, upon information and belief, MindGeek conducts substantial business in the forum, directly or through

1

intermediaries, including: (i) at least a portion of the infringing activity 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 persons in this district.

5.   Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c) and (d), as well as 28 U.S.C. § 1400(b). Furthermore, venue is proper based on Defendant's conducting of business within this District and/or soliciting and establishing online relationships with persons and entities within this District, including the infringing products or services alleged herein.

THE PATENTS-IN-SUIT

6.   On July 6, 2004, United States Patent 6,760,720 (the "'720 patent"), entitled "Search-on-the-Fly/Sort-on-the-Fly Search Engine for Searching Databases," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '720 patent is attached hereto as Exhibit A.

7.   On March 6, 2007, United States Patent 7,188,100 (the "'100 patent"), entitled "Search-on-the-Fly Report Generator," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '100 patent is attached hereto as Exhibit B.

8.   On November 27, 2007, United States Patent 7,302,423 (the "'423 patent"), entitled "Search-on-the-Fly with Merge Function," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '423 patent is attached hereto as Exhibit C.

9.   The '720, '100, and '423 patents (collectively, the "Patents-in-Suit") are each valid and subsisting, and Vilox is the assignee and owner of all right, title and interest in and to

2

the '720, '100, and '423patents, including the right to assert all causes of action arising under said patents and to any remedies for infringement of them.

10.   Dr. Joseph DeBellis is a named inventor on each of the Patents-in-Suit, and is the sole inventor on all except the '100 patent. Over 15 years ago, Dr. DeBellis recognized a significant limitation on the ability to search, retrieve and sort results of queries across a single database or across multiple databases. At that time, search queries tended to return very large amounts of data that could not easily be sorted and reviewed by the user. Additionally, no iterative application of search functions or filters was available to search and/or sort a single database or multiple databases. Furthermore, a query for a given piece of information might, in the case of multiple databases, retrieve the information from one database, but not another, even if the information is the same in each database, because of the different ways in which the data in the databases was organized.

11.   To solve these long-standing problems, Dr. DeBellis conceived a method and apparatus for conducting on-the-fly searches that provide the user with an intuitive mechanism for searching databases without having to know anything about the database structure. This conception formed the basis for several inventions, including those claimed in the '720, '100, and '423 patents.

THE MINDGEEK SYSTEM

12.   Upon information and belief, MindGeek owns and operates a series of databases containing content that is delivered to and accessed by users online via a computer. Among the MindGeek databases are a series of databases of adult-only content that MindGeek offers under the tradename "PornHub Network" ("PHN"). The PHN consists of databases that are accessible

both independently through discrete URLs, e.g., http://pornhub.com, http://youporn.com, http://pornmd.com, http://thumbzilla.com, etc., and through a network-wide search.

13.   Upon information and belief, the PHN and its constituent databases are searchable via MindGeek's "PornMD" search engine (together, the "PHN System"). MindGeek's PHN System allows a user to search either an individual database, such as http://pornhub.com or http://pornmd.com, or across the constituent databases of the PHN iteratively and without knowledge of the structure or organization of the databases being searched.

COUNT I – INFRINGEMENT OF U.S. PATENT 6,760,720

14.   Vilox repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15.   MindGeek has infringed and continues to infringe one or more claims of the '720 patent, including at least claim 1, by making, using, selling and/or offering for sale within this District and elsewhere in the United States and/or importing into this District and elsewhere in the United States, products or services that, among other features, receive a selection of one or more databases, determine a database schema for a given database, provide a list of database fields that include a descriptor indicating a data category, receive a search selection for a database field from the list of database fields, determine a quantity of entries in the selected database field, and determine the number of characters in each entry in the selected database field and display a portion of the entry that is equal to or less than a specified number of characters, or in its entirety if the entry does not exceed the specified amount, including but not limited to search features of the PHN System.

16.   Examples of MindGeek's practice of at least the patented method of Claim 1 of the '720 patent include the operations of the "YouPorn" (http://youporn.com) and "Thumbzilla"

(http://thumbzilla.com) sites of the PHN System. As these exemplary sites demonstrate, the

PHN System uses a method implemented on a computer to search the databases of the PHN

System. The PHN System includes various databases that may have different schema (structure

and organization of data). When a search is conducted using the search method of the PHN

System, the PHN System determines the schema of the database or databases being searched to

return the list of database fields for information in the database or databases. For example, a

search of the PHN System returns results for data categories across the multiple databases. The

database fields include at least one descriptor to indicate the data category, such as video quality,

theme or source. A selection of a database field is received by the PHN System to allow the user

to view the content in the data category represented by the database field. The PHN System then

determines the quantity of entries in the selected database field, and displays the number with the

search results. The PHN System further determines the number of characters included in each

entry in a selected database field, such as the textual information accompanying and supporting

each video. If the number of the characters included in the accompanying information exceeds a

specified number of characters, the PHN System displays a portion of the information that is less

than or equal to the specified amount of characters. If the number of characters does not exceed

the specified amount, the information, and thus the entry, is included in its entirety.

17.   MindGeek's infringing actions are without license and authorization.

18.   MindGeek's unauthorized actions therefore constitute violation of Vilox's

exclusive rights pursuant to 35 U.S.C. § 271(a), and Vilox is entitled to recover from MindGeek

the damages sustained by Vilox as a result of MindGeek's infringement of the '720 patent in an

amount to be determined at trial, which amount shall be no less than a reasonable royalty,

together with interest and costs as fixed by this Court pursuant to 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT 7,188,100

19.   Vilox repeats and realleges the allegations of paragraphs 1 through 18 as if fully set forth herein.

20.   MindGeek has infringed and continues to infringe one or more claims of the '100 patent, including at least claim 1, by making, using, selling and/or offering for sale within this District and elsewhere in the United States and/or importing into this District and elsewhere in the United States, products or services that, among other features, receive a database search query, search a database on-the-fly based on the query, tweak the received query to generate a defined query of the database, access a database using the defined query, generate a search result that includes descriptors of data categories, and create a template that includes links to the data categories, including but not limited to search features of the PHN Network.

21.   Examples of MindGeek's practice of at least the patented method of Claim 1 of the '100 patent include the operations of the "PornHub" (http://pornhub.com) and "PornMD" (http://pornmd.com) sites of the PHN System. As these exemplary sites demonstrate, the PHN System uses a computer-based method for creating a data report, such as search results provided to users that search across the constituent sites of the PHN System. The PHN System receives a query through a graphical user interface based on an input search term, keyword, or selection of a category or subcategory. The databases of the PHN System are searched using an on-the-fly search. For example, based on the received query, the PHN System conducts a search of the index of the individual site or across the network for all videos with tags matching the search criteria, regardless of the characteristics (such as database type, location or schema) of the source database(s). The user can therefore search data stored in multiple databases with no prior knowledge of the database contents or organization, to retrieve information that is dynamic in

nature. The PHN System uses a query tweaker that performs transformations or corrections on the received query to generate a defined query, such as the generation of a term that is distinct from but synonymous with, analogous to, or associated with the received query. The PHN System then accesses one or more of its constituent sites using the PornMD search engine per the defined query, and generates a result based on the access to the one or more databases. The search results returned by the PHN System include descriptors of the available data categories, such as text describing the general content or characteristics of the data (e.g., video duration, subject matter, date added, etc.). The PHN System creates a report template that comprises links to the data categories. For example, when a search term is entered, a series of videos based on that term are returned together with data categories such as "Length," "Date Added," and "Source". Each of these data categories is linked to the videos in the search results to provide additional information specific to the particular videos identified by the search, which information is described by the data descriptors ("Length," "Date Added," "Source," etc.).

22.   MindGeek's infringing actions are without license and authorization.

23.   MindGeek's unauthorized actions therefore constitute violation of Vilox's exclusive rights pursuant to 35 U.S.C. § 271(a), and Vilox is entitled to recover from MindGeek the damages sustained by Vilox as a result of MindGeek's infringement of the '100 patent in an amount to be determined at trial, which amount shall be no less than a reasonable royalty, together with interest and costs as fixed by this Court pursuant to 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT 7,302,423

24.   Vilox repeats and realleges the allegations of paragraphs 1 through 23 as if fully set forth herein.

25.   MindGeek has infringed and continues to infringe one or more claims of the '423

patent, including at least claim 1, by making, using, selling and/or offering for sale within this

District and elsewhere in the United States and/or importing into this District and elsewhere in

the United States, products or services that, among other features, determine a database schema

for a database, provide a list of database fields that include descriptors of data categories, receive

a search selection for a database field from the list of database fields; and determine the number

of characters in each entry in the selected database field and display a portion of the entry that is

equal to or less than a specified number of characters, or in its entirety if the entry does not

exceed the specified amount, including but not limited to search features of the PHN System.

26.   Examples of MindGeek's practice of at least the patented method of Claim 1 of

the '423 patent include the operations of the "YouPorn" (http://youporn.com), "PornMD"

(http://pornmd.com) and "Thumbzilla" (http://thumbzilla.com) sites of the PHN System. As

these exemplary sites demonstrate, the PHN System uses a method implemented via computer

for displaying the data in its constituent databases. The PHN System determines the schema for

one or more of its multiple constituent databases each time a user searches the PHN System. For

example, a search of the PHN System returns results for categories across the multiple databases

of the System. The PHN System, and each of its constituent websites, provides a list of database

fields that include descriptors to indicate a data category, such as type or theme of the available

video content. The PHN System receives a search selection for a database field on the provided

list of database fields, which allows a user to view the content in the category represented by the

database field. The PHN System further determines a number of characters included in each

entry in a selected database field, such as the textual information accompanying and supporting

each video entry. If the number of the characters included in the accompanying information

8

exceeds a specified number, the PHN System displays a portion of the information for each video entry that is less than or equal to the specified number of characters. If the number of characters does not exceed the specified amount, the information, and thus the entry, is included in its entirety.

27.   MindGeek's infringing actions are without license and authorization.

28.   MindGeek's unauthorized actions therefore constitute violation of Vilox's exclusive rights pursuant to 35 U.S.C. § 271(a), and Vilox is entitled to recover from MindGeek the damages sustained by Vilox as a result of MindGeek's infringement of the '423 patent in an amount to be determined at trial, which amount shall be no less than a reasonable royalty, together with interest and costs as fixed by this Court pursuant to 35 U.S.C. § 284.

JURY DEMAND

Vilox hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Vilox requests that the Court enter judgment against MindGeek as follows:

A.   An adjudication that Defendant MindGeek USA, Inc. has infringed the '720, '100, and '423 patents.

B.   An award of damages to be paid by Defendant adequate to compensate Vilox for Defendant's past infringement of the '720, '100, and '423 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Vilox's reasonable attorneys' fees; and

D.   An award to Vilox of such further relief at law or in equity as the Court deems

just and proper.

Date: November 16, 2016   /s/Cecil E. Key
                                            Cecil E. Key
                                            DIMUROGINSBERG P.C.
                                            DGKEYIP GROUP
                                            1101 King Street, Suite 610
                                            Alexandria, Virginia 22314
                                            Phone: (703) 684-4333
                                            Fax: (703) 548-3181
                                            Email: ckey@dimuro.com

                                            Attorneys for Plaintiff
                                            VILOX TECHNOLOGIES, LLC