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

MYMAIL, LTD.,	§	
	§	
Plaintiff,	§	
	§	**Civil Action No. 2:16-cv-_____**
v.	§	
	§	**Jury Trial Demanded**
OOVOO, LLC,	§	
	§	
Defendant.	§	

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MyMail, Ltd. files this Complaint against ooVoo, LLC and alleges as follows.

PARTIES

1.   Plaintiff MyMail, Ltd. ("MyMail") is a Texas Limited Partnership with an office

and place business at 5344 County Road 3901, Athens, TX 75752. MyMail was founded in

2003 as an intellectual property development and licensing company to provide secure, internet-

related services and efficient web page interaction to internet service providers, mobile device

manufacturers, network carriers, and internet related toolbar developers. MyMail developed

technology providing for the dynamic updating, changing, or modification of toolbar data from

remote servers (the "MyMail Toolbar Technology"). Using the MyMail Toolbar Technology,

toolbar providers can, for example, dynamically change elements, functions, and buttons on their

toolbar(s) for specific targeted users based on use and individual searches. MyMail has obtained

patents covering the MyMail Toolbar Technology and has successfully licensed the patented

technology to toolbar providers.

2.   Upon information and belief, Defendant ooVoo, LLC ("ooVoo") is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 44 E. 30th Street, New York, New York 10016. ooVoo may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

3.   This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4.   ooVoo is engaged in the business of publishing and distributing a browser plug-in called the ooVoo Toolbar that seamlessly integrates with Microsoft Internet Explorer and Mozilla Firefox and appears in a user's browser to provide internet content from websites such as Amazon.com, Youtube.com, and weather updates using widget buttons (the "ooVoo Toolbar"). The ooVoo Toolbar docks itself to a device's browser when installed and sits atop the browser at all times. ooVoo publishes, promotes and distributes the ooVoo Toolbar to users in the United States, including users within this District.

5.   Upon information and belief, ooVoo is subject to this Court's specific personal jurisdiction because ooVoo does business in the State of Texas and has committed acts of infringement in the State of Texas as alleged below. In particular, upon information and belief, ooVoo is subject to the specific personal jurisdiction of this Court because MyMail's claims for patent infringement against ooVoo arise from its acts of infringement in the State of Texas. These acts of infringement include providing the infringing ooVoo Toolbar to users of the ooVoo Toolbar in the State of Texas and causing the browser on a user device to display the toolbar and

perform the other functions of one or more claims of the Asserted Patents (defined below). Therefore, this Court has personal jurisdiction over ooVoo under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

6.   Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, ooVoo has engaged in acts of infringement in the State of Texas described here sufficient to subject it to personal jurisdiction in this District if the District were a separate State.

THE PATENTS-IN-SUIT

7.   On September 25, 2012 the United States Patent and Trademark Office issued United States Patent No. 8,275,863 (the "'863 Patent") entitled "Method of Modifying a Toolbar," a true copy of which is attached as Exhibit 1.

8.   On April 28, 2015, the United States Patent and Trademark Office issued United States Patent No. 9,021,070 (the "'070 Patent") entitled "Dynamically Modifying a Toolbar," a true copy of which is attached as Exhibit 2. The '070 Patent is a continuation of the '863 Patent. The '863 and '070 Patents are collectively referred to as the "Asserted Patents."

9.   MyMail is the assignee of the '863 and '070 Patents, and has the exclusive right to sue for and recover all past, present and future damages for infringement of the Asserted Patents.

ALLEGATIONS COMMON TO ALL CLAIMS

10.   The ooVoo Toolbar software causes the toolbar to be displayed on a user Internet device (*i.e.,* a device that can communicate with other devices via the Internet) that includes toolbar buttons. For example, the ooVoo Toolbar displayed on a user's Internet device includes the "amazon," "YouTube," and "Weather Widget" buttons indicated in FIGURE 1.

FIGURE 1
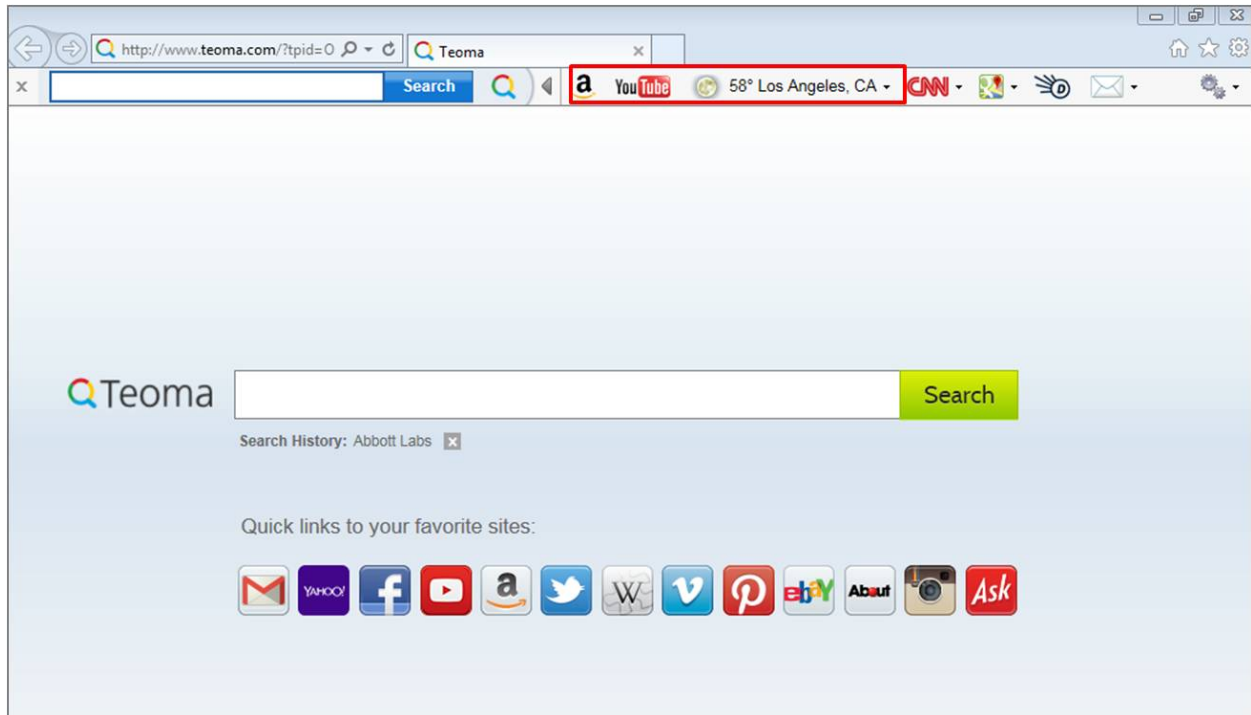
11.   The toolbar buttons on the ooVoo Toolbar are defined by toolbar data stored in toolbar-defining databases. In particular, the toolbar buttons on the ooVoo Toolbar are defined by toolbar data as indicated in FIGURE 2 below stored in the "%Program Files\ooVoo" folder on the user Internet device:

FIGURE 2
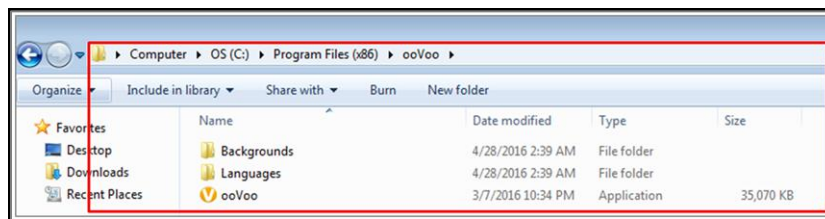
12.   The toolbar buttons are also defined by toolbar data as indicated below in FIGURE 3 stored in the Windows System Registry on the user Internet device:

FIGURE 3
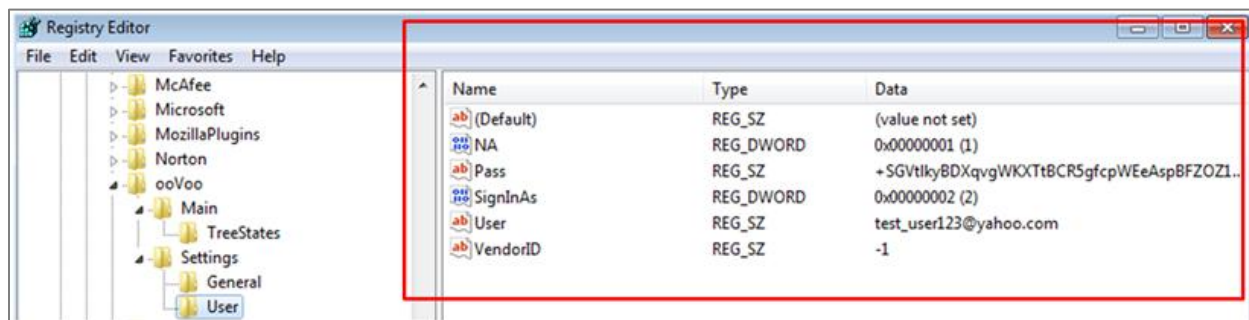
13.   The "%Program Files\ooVoo" folder and the Windows System Registry constitute toolbar defining databases of the user Internet device.

14.   The toolbar data of the ooVoo Toolbar comprises a plurality of toolbar button attributes associated with one or more toolbar buttons of the toolbar. For example, as shown below in FIGURE 4, the toolbar data in the "C:\Program Data\AskPartnerNetwork\Toolbar\OVO-TG\CRX\132.3\config" folder on the user Internet device includes a plurality of toolbar button attributes associated with the toolbar buttons of the toolbar:

FIGURE 4

{"leftDock" : [{"id": "com.apn.search-box-teoma","version": 1,"button": {"template":
"SearchBox","theme":"default-theme"},"windows": {"nav": {"type": "currentTab","url": {"path":
"http://{domain}/web","params": {"o": "{o}","p2": "{p2}","tpid": "{tb}","gct": "bar","apn_uid":
"{guid}","apn_ptnrs": "{cbid}","apn_dtid": "{dtid}","apn_dbr": "{dbr}","itbv": "{ProductVersion}","doi":
"{doi}","trgb": "{trgb}","tbv": "{platformversion}","crxv": "{version}","pf": "{pf}","pt":
"{ProductType}","psv": "{psv}","q": "{query}"}}},"suggest": {"type": "child","url": {"path":
"widgets/search-suggestion/search-suggestion.html"},"width": 272,"height": 0,"top": -3}}},{"id":
"com.apn.teoma-homepage","version": 1,"button": {"type": "simple","style": {"icon": "widgets/teoma-
homepage/button.png"},"onclick": {"action": "load","window": "nav"}},"windows": {"nav": {"type":
"currentTab","url": {"path": "http://www.teoma.com/web","params": {"o": "{o}","p2":
"{p2}","apn_ptnrs": "{cbid}","apn_dtid": "{dtid}","tpid": "{tb}","apn_dbr": "{dbr}","trgb":
"{trgb}","apn_uid": "{guid}","tbv": "{platformversion}","itbv": "{ProductVersion}","doi": "{doi}","crxv":
"{version}","psv": "{psv}"}}}}}],"centerDock": [{"id": "com.apn.ovo2-logo","version": "1","button":
{"type": "icon","style": {"icon": "widgets/ovo2-logo/button.png","title": ""}}},{"id": "com.apn.ovo2v6-
videochat","button": {"type": "simple","style": {"icon": "widgets/video-chat/button.png","title": "Instant
Video Chat!"},"onclick": {"action": "load","window": "video"}},"windows": {"video": {"type":
"popup","anchor": "browser","center": "both","url": {"path": "http://try.oovoo.com/ask.com"},"height":
570,"width": 984,"title": "Try ooVoo video chat","scrollable": false}},"translations": {"en": {"Videos":

15.   At least one of the toolbar button attributes (for example, in the "widget-config"
toolbar data) identifies a function to be performed by a specific toolbar button upon actuation of
the toolbar button. For example, as shown in FIGURE 5 below, the "Weather Widget" toolbar
button attribute includes a function to be performed when the button is actuated:

FIGURE 5

"http://apnwidgets.ask.com/widget/everest/weather/7/","button": {"type": "dynamic","style": {"icon":
"widgets/weather/7.0/button.png","label": "","title": "Weather Widget"},"onclick": {"action":
"load","window": "widget"}},"windows": {"widget": {"type": "dialog","url": {"path":
"index.html","params": {"loclang": "{locale}","locale": "{pref_locale}","lang": "{pref_lang}","location":
"{location}"}},"width": 320,"height": 480}},"background": {"url": {"path": "background.html","params":
{"loclang": "{locale}","locale": "{pref_locale}","lang": "{pref_lang}","location":
"{location}"}}},"translations": {"en": {"Weather": "Weather","Weather Widget": "Weather Widget"},"es":

16.   When the user clicks the "Weather Widget" button on the ooVoo Toolbar, as
shown below in FIGURE 6, a location preference window is displayed:

FIGURE 6
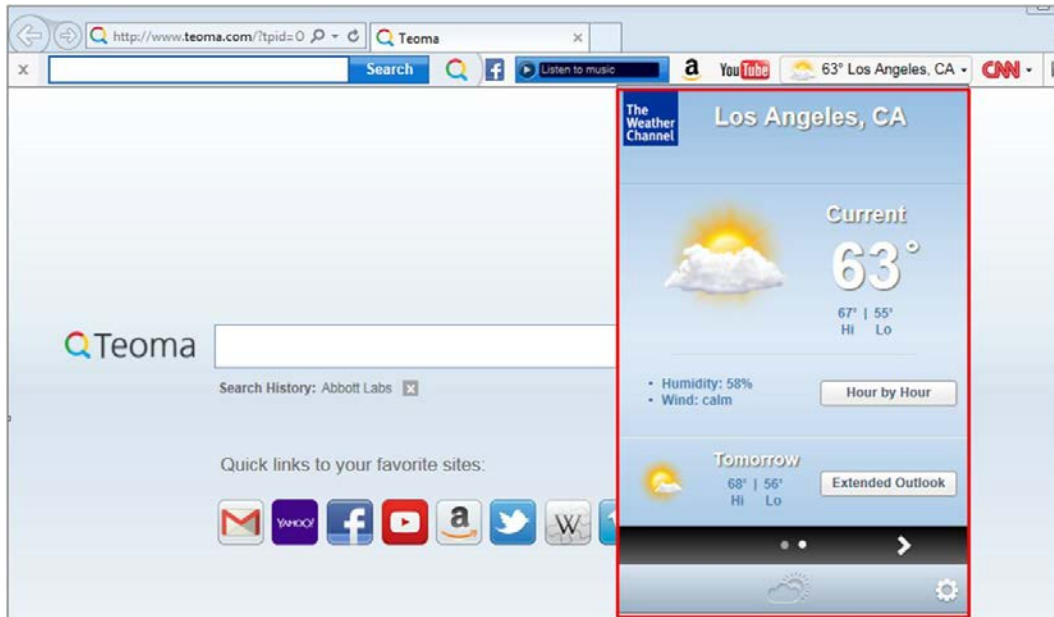
17.   The ooVoo Toolbar performs "A method of modifying a toolbar …"   For example, as shown below in FIGURE 7 the ooVoo Toolbar communicates with server at IP Address 23.11.52.19, to modify the ooVoo Toolbar by, for example, updating the current temperature for Los Angeles with location id (USCA0638) that is displayed in the toolbar:

FIGURE 7

18.   The ooVoo Toolbar further performs the step of "the user Internet device automatically sending a revision level of the one or more toolbar-defining databases to a predetermined network address."   For example, as shown below in FIGURES 8 and 9, a GET request sent from a user Internet device to a predetermined network address such as, for example, the server at IP address 23.11.52.19.   On information and belief the GET request includes a revision level such as, for example, the "dayf=1&cc" parameter shown below.

FIGURE 8

FIGURE 9

19.   On information and belief, "a server at the predetermined network address determining, from the revision level, the user Internet device should receive the toolbar update data" because, as shown below in FIGURE 11, the server at IP address 23.11.52.19 responds to the GET request by sending the user Internet device updated toolbar data in the form of one or more text/xml messages containing updated toolbar data such as updated weather information.

FIGURE 11

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20.   The ooVoo Toolbar performs the step of receiving at the user Internet Device toolbar update data from the Internet. For example, as shown below in FIGURES 12-14 the user Internet device receives the updated toolbar data such as the current temperature of the location id "USCA0638", in the form of text/xml messages from the server at IP address 23.11.52.19.

FIGURE 12

FIGURE 13

FIGURE 14

21.   The ooVoo Toolbar performs the step of updating the toolbar with toolbar update data, without user interaction, by, for example, updating at least one attribute of the toolbar data. For example, as shown below in FIGURES 15-17 the ooVoo Toolbar receives the updated toolbar data, for example, in the form of updated weather information, and modifies an attribute of at least one of the one or more toolbar buttons, such as by displaying updated temperature information on the "Weather Widget" button without any user interaction.
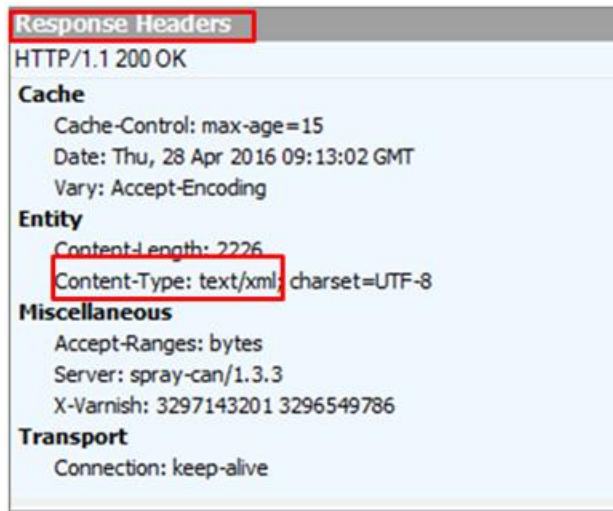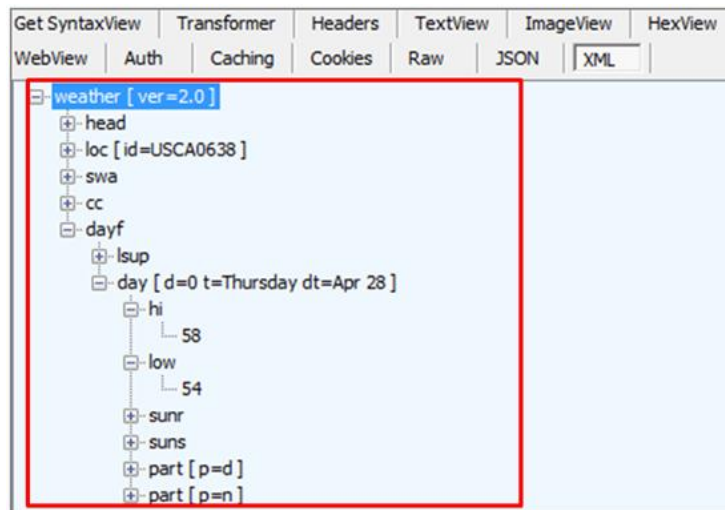
FIGURE 15

FIGURE 16

FIGURE 17

22.   The ooVoo Toolbar on the user Internet device performs the step of displaying the toolbar as defined by the updated toolbar data. For example, as shown below in FIGURE 18, the ooVoo Toolbar displays the current temperature on the "Weather Widget" button in the toolbar as defined by the updated toolbar data received from the remote server.

FIGURE 18

23.   The ooVoo Toolbar integrates with a browser such as, for example, Internet Explorer, on a device capable of communicating with other devices over a network such as a user Internet device.

24.   The ooVoo Toolbar performs each of the functions described in one or more claims of the Asserted Patents, including the functions described above. In particular, the ooVoo Toolbar software embedded in the browser of the user Internet device and remotely located, such as on a server remote from the user Internet device, instructs these devices to perform these functions. The ooVoo Toolbar, therefore, directs and controls the functions of the user Internet device and the remote device(s) that perform the functions described above.

25.   To the extent any third party performs any of the functions described above, the performance of such functions is attributable to the ooVoo Toolbar because it directs and controls the performance of those functions.

CLAIM 1 -- INFRINGEMENT OF U.S. PATENT NO. 8,275,863

26.   Plaintiff incorporates paragraphs 1 through 25 as though fully set forth herein.

27.   Upon information and belief, ooVoo has been and is now directly and/or indirectly infringing one or more claims of the '863 Patent by using the ooVoo Toolbar (including use for testing purposes) in the United States in violation of 35 U.S.C. § 271(a). The ooVoo Toolbar performs the method of modifying a toolbar as described in one or more of the claims of the '863 Patent.

28.   Plaintiff has been damaged by ooVoo's infringing activities.

CLAIM 2 – INFRINGEMENT OF U.S. PATENT NO. 9,021,070

29.   Plaintiff incorporates paragraphs 1 through 25 as though fully set forth herein.

30.   Upon information and belief, ooVoo has been and is now directly one or more claims of the '070 Patent by using (including for testing purposes) the ooVoo Toolbar in violation of 35 U.S.C. § 271(a). The ooVoo Toolbar performs the method for dynamically modifying a toolbar described and claimed in the '070 Patent.

31.   Plaintiff has been damaged by ooVoo's infringing activities.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1.   A judgment in favor of Plaintiff that ooVoo has directly infringed, one or more claims of the Asserted Patents;

2.   A judgment and order requiring ooVoo to pay Plaintiff damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages in no event shall be less than a reasonable royalty for the use made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements; and

3.   Any and all such further necessary relief as the Court may deem just and proper under the circumstances.

Dated: November 18, 2016

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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