

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

BRIDGE AND POST, INC.)	
)	
Plaintiff,)	CIVIL ACTION NO. <u>3:17CV094</u>
)	
vs.)	JURY TRIAL DEMANDED
)	
VERIZON COMMUNICATIONS, INC.,)	
CELLCO PARTNERSHIP d/b/a VERIZON)	
WIRELESS, VERIZON INTERNET)	
SERVICES INC., VERIZON ONLINE LLC,)	
and AOL INC.,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bridge and Post, Inc. (“BRIDGE AND POST” or “PLAINTIFF”) hereby files this Original Complaint against Defendants Verizon Communications, Inc. (“VERIZON COMMUNICATIONS”), Cellco Partnership d/b/a Verizon Wireless (“VERIZON WIRELESS”), Verizon Internet Services Inc. (“VERIZON INTERNET”), Verizon Online LLC (“VERIZON ONLINE”) (collectively “VERIZON”) and AOL Inc. (“AOL”) (collectively “DEFENDANTS”) seeking damages for DEFENDANTS’ willful direct and indirect infringement of U.S. Patent Nos. 7,657,594 (“the ’594 Patent”) and 8,862,747 (“the ’747 Patent”) (collectively “the Patents-in-Suit”).

PLAINTIFF alleges as follows:

THE PARTIES

1. Defendant VERIZON COMMUNICATIONS is a Delaware corporation with a principal place of business at 140 West Street, New York, New York 10007.

2. Defendant VERIZON WIRELESS is a Delaware general partnership with offices located at One Verizon Way, Basking Ridge, New Jersey 07920. VERIZON WIRELESS is a wholly-owned subsidiary of VERIZON COMMUNICATIONS.

3. Defendant VERIZON INTERNET is a corporation with its principal place of business at 1880 Campus Commons Drive, Reston, Virginia 20191. VERIZON INTERNET is a subsidiary of VERIZON COMMUNICATIONS. On information and belief, VERIZON INTERNET is involved with the provision of FIOS internet service to subscribers.

4. Defendant VERIZON ONLINE is a limited liability company with offices and substantial operations at 22001 Loudoun County Parkway, Ashburn, Virginia 20147. VERIZON ONLINE is a subsidiary of VERIZON COMMUNICATIONS. On information and belief, VERIZON ONLINE is involved with the provision of FIOS internet service to subscribers.

5. Defendant AOL is a Delaware corporation with offices and substantial business, engineering, and management operations related to the products, services and methods accused of infringing the Patents-in-Suit at 22000 AOL Way, Dulles, Virginia 20166. AOL is a wholly-owned subsidiary of VERIZON COMMUNICATIONS.

6. BRIDGE AND POST is an Arkansas corporation with its principal place of business in Little Rock, Arkansas. BRIDGE AND POST is the owner and assignee of the Patents-in-Suit, which were acquired from the original assignee, FEEVA TECHNOLOGY, INC. (“FEEVA”).

JURISDICTION AND VENUE

7. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the United States patent laws, 35 U.S.C. § 271 et seq.

8. This Court has personal jurisdiction over DEFENDANTS because they transact substantial business in the Commonwealth of Virginia, contract to supply services or things in the Commonwealth of Virginia, caused tortious injury by an act or omission in the Commonwealth of Virginia, and in this district specifically.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). A substantial part of the acts giving rise to this action occurred in this judicial district, DEFENDANTS are subject to personal jurisdiction in this judicial district, and DEFENDANTS have committed acts of infringement in and regularly conducted business in this judicial district. Additionally, AOL maintains major business operations in this judicial district related to the accused products, services and methods. On information and belief, key VERIZON WIRELESS and VERIZON ONLINE personnel involved with and responsible for the accused products, services and methods, including its development, are and/or were based in this judicial district, at VERIZON's Ashburn, Virginia offices.

FACTUAL ALLEGATIONS

10. This case arises from VERIZON's acts of obtaining and copying and then incorporating, making, using and selling the patented and proprietary technology of the innovative start-up FEEVA in VERIZON's Precision Marketing Insights programs, VERIZON RELEVANT MOBILE ADVERTISING and VERIZON SELECTS programs, which are now part of the AOL Advertising Network. VERIZON copied FEEVA's technology despite having executed two non-disclosure agreements that barred unauthorized use of the FEEVA technology. VERIZON also improperly filed for and obtained multiple patents (U.S. Patent Nos. 8,832,436 and 8,763,101, and continuations thereof) based on the FEEVA patented technology without disclosing to the United States Patent and Trademark Office ("USPTO") that VERIZON was not

the true owner or inventor.

11. FEEVA was the original assignee of the '594 Patent and U.S. Patent Application No. 12/045,693, which ultimately issued as the '747 Patent. FEEVA was a venture capital-backed start-up, founded by several technologists with deep experience in telecommunications and marketing, that focused on developing technological solutions to problems associated with incorporating targeted marketing and market segmentation strategies into online advertising. The named inventors of the Patents-in-Suit included founders and early employees of FEEVA.

12. Targeted marketing and market segmentation were originally developed to increase the effectiveness of advertisements placed in traditional media such as radio, television, and printed newspapers and magazines. Targeted marketing seeks to direct advertising content to consumers who have particular characteristics and therefore are likely to have a strong interest in the advertised products or services. The desired characteristics of targeted consumers vary depending upon the product or service being marketed, but in the context of traditional media, these characteristics typically relate to demographic, psychographic, and/or behavioral traits of the consumer. Market segmentation involves dividing a market of potential consumers into subgroups, called segments, based upon one or more shared characteristics. Targeted marketing and market segmentation can be used together to identify segments of a market having particular characteristics, and to direct advertisements to those segments. But delivering segmented and directed advertising in a digital world presented many technological challenges that the Patents-in-Suit solved.

13. Prior to development of the technologies described and claimed in the Patents-in-Suit, the typical methods for delivering targeted content to mobile phone or computer users

involved either using small text files, called cookies, that are stored on the user's computer or mobile device and used by the user's Web browser, or using the current Internet protocol (IP) address of the user. Both approaches, however, have significant drawbacks. Using the user's current IP address is deficient because it provides only a coarse approximation of the current geographic location information for the user, and does not provide a way for the content provider to provide targeted content based on other information such as demographics, preferences, interests, and patterns of usage. In contrast to IP addresses, cookies often provide more user information than just the user's current geographic location. For example, cookies can store the user's Web browsing history, session information, and any information input by the user, such as the user's name, website login information, physical address, postal address, email address, bank information, credit card information, preferences, and interests. Because of the extensive information, including PII, that can be stored in cookies, many users consider cookies to be an invasion of privacy, and therefore configure their phones or computers to disable cookies or delete them immediately upon closing their Web browser. Since cookies can be disabled or deleted and therefore lack persistence, content providers cannot rely on cookies as a source of information that can be used to target content to individual users.

14. Due to the drawbacks associated with using either IP addresses or cookies for targeted advertising, content providers typically avoided providing content targeted to individual users, instead selling advertising space on their websites based on aggregated statistical demographic information for all visitors collected from survey data relating to characteristics such as gender, age, and income level. Such aggregated data fails, however, to account for the individuality of different users, or for the characteristics of users who decline to participate in surveys. Moreover, aggregated survey data is not "real time" data because it is based solely on

information collected when a user completes a survey on a website, rather than on session information collected at the time a user actually visits a website. Since aggregated survey data can be outdated, fails to account for individual user traits, and does not account for the characteristics of users who don't participate, it is of limited use in targeted marketing. Consequently, online advertising prior to FEEVA's technological innovations did not rely heavily on information obtained from users' online activity, but instead was heavily dependent on search-based and context-based advertising, both of which rely primarily on keywords contained in search engine inquiries and appearing on Web pages.

15. Another problem that was prevalent prior to FEEVA's technological innovations was often referred to within the telecommunications industry as the "dumb pipe" problem. Telecommunications companies provide a significant portion of the infrastructure (*i.e.* the "pipes") for delivering content to individual users over the Internet, but prior to the development of the technologies described and claimed in the Patents-in-Suit, they lacked the ability to extract the detailed user information necessary to effectively provide targeted content to those users. The industry referred to the pipes as "dumb pipes" because they lacked the intelligence to utilize the data being transmitted through them. This inability to extract and utilize user information contained in the pipes resulted in lost benefits for consumers as well as lost revenue for both content providers and telecommunications companies. Consequently, prior to FEEVA's technological innovations, telecommunications companies had a long-felt need to be able to make their pipes "intelligent" so they could extract and utilize user information, and thereby generate additional revenue by offering marketing firms and others the ability to deliver targeted content to subscribers. Likewise, content providers had a long-felt need to access the consumer information available in the "pipes" in an anonymous and secure manner that would

allow them to deliver targeted content to Internet users.

16. The technologies described and claimed in the Patents-in-Suit provide technological solutions to a fundamental problem faced by both content providers and telecommunications companies relating to the privacy of subscriber or visitor information that is collected and used for targeted marketing and/or market segmentation. Both content providers, like AOL, that publish content for distribution on the World Wide Web, and telecommunications companies, like VERIZON, that facilitate online consumption of that content by providing Internet access to subscribers over their networks, may be directly or indirectly involved in one or more of the steps of collecting subscriber or visitor information, analyzing that information to perform market segmentation, selecting advertisements to be directed to particular subscribers or visitors, and placing selected advertisements within distributed content. The use of information collected by content providers and telecommunications companies, and particularly the use of personally identifiable information (PII) and information about minors, is governed by a variety of federal and state laws. Moreover, the use of collected information in a manner that violates the privacy expectations of subscribers or visitors can have negative business consequences in the form of lost subscriptions or fewer website visits. Consequently, while content providers may wish to improve revenue by incorporating targeted advertisements into their web pages, and telecommunications companies may wish to monetize their “pipes” by selling subscriber information to ad agencies, they must do so in a manner that does not violate applicable privacy laws or the privacy expectations of their subscribers or visitors.

17. FEEVA’s technological innovations allowed telecommunications companies and content providers to effectively deliver highly relevant targeted content to individual users without violating applicable privacy laws or the privacy expectations of users. In particular,

FEEVA's technological innovations enabled telecommunications companies to collect precise and accurate information concerning individual users, thus creating an "intelligent pipe." When subscribers use a particular telecommunications network to access content on the World Wide Web, telecommunications companies such as VERIZON can use FEEVA's technological innovations to extract valuable information regarding the subscribers' Internet usage. At the same time, FEEVA's technological innovations enabled content providers to access this subscriber information and thereby deliver targeted content that is more relevant to those subscribers. Thus, by transforming the "dumb pipes" of the old Internet infrastructure into "intelligent pipes," FEEVA's technological innovations allowed both digital content providers and telecommunications companies to operate more effectively and profitably.

18. FEEVA's technological innovations provide significant advantages over prior art techniques by enabling content providers to send targeted content to individual users without the use of cookies or IP addresses, and without any transmission or handling of PII over the Internet. In particular, FEEVA's inventions allowed the targeting of advertisements to individual Web users based upon detailed user information, such as geographical and demographic data. FEEVA's technological innovations were therefore groundbreaking in exploiting the potential advantages inherent in Internet marketing, such as providing highly customized content to each individual user, while also increasing the relevance of that content by using geographical and demographic data previously used only for targeted marketing in traditional media. At the same time, FEEVA's technological innovations, by preventing unauthorized use of PII over the Internet, incorporated "privacy by design" best practices missing from many competing industry solutions available at the time. Until FEEVA, no one had come up with a way to combine these features in an Internet content delivery platform.

19. One aspect of FEEVA's technological innovations that provided significant benefits over prior techniques was the privacy and security afforded to each end user, because the PII within their user profile is not transmitted over the Internet and therefore is hidden from Internet traffic and consequently less prone to hacking or viewing by unauthorized actors. In developing their technologies, FEEVA's inventors, developers, and executives discussed mobile phone user and Web user privacy with officials at the Federal Trade Commission, privacy advocates at the Electronic Frontier Foundation and Center for Democracy and Technology, and privacy managers and executives at several major telecommunications companies, including VERIZON.

THE PATENTS-IN-SUIT

20. Feeva filed the patent application that matured into the '594 patent on May 12, 2006. The '594 Patent was issued by the United States Patent and Trademark Office ("USPTO") on February 2, 2010, and is entitled "Directed Media Based on User Preferences." A copy of the '594 Patent is attached hereto as Exhibit A.

21. The '594 Patent claims systems and methods for providing directed media to a user on a network by using a user profile that includes characteristics of both the user and the network access device used to access the network.

22. The '594 patent discloses a technological solution to the problems of the prior art. The inventions of the '594 Patent allow a computer within a network to generate a user profile, and to store that user profile as a record that identifies the user through the current network address and a persistent device identifier. Each user has a user profile, which can include a variety of information such as characteristics of the network access device, patterns of usage for the network access device, location-centric information, and group characteristics

identifying one or more groups with which the user is associated. When the user attempts to access a website over the network, the user profile can be updated based upon any new information obtained from the session. Information contained in the user profile can be used to select targeted content such as advertisements, coupons, videos, or music that is likely to be of interest to that particular user or device, and the targeted content can be incorporated into the content that was requested by the user from the content provider.

THE '747 PATENT

23. The '747 Patent was filed on May 10, 2008 and was issued by the USPTO on October 14, 2014. The '747 Patent is entitled "Method and Apparatus For Tagging Network Traffic Using Extensible Fields In Message Headers." A copy is attached hereto as Exhibit B.

24. The '747 Patent claims a method and apparatus for tagging hypertext transport protocol ("HTTP") requests using extensible fields in the HTTP request headers. The claims specifically disclose a system and method of tagging network traffic with relevant instance information, demographic information, and geographic location information for facilitating the delivery of directed media. The claimed inventions concern a tag processing module that intercepts a request for content from a client device such as a mobile phone or a computer to a destination site served by a server computer over a fixed or mobile communications network.

25. The claimed tag processing module determines a unique device identifier corresponding to the mobile device; generates a local user identifier for the computer or mobile phone by performing a one-way hashing operation on the unique device identifier; derives demographic and geographic location information for a user of the client computer; generates a request identifier associated with the intercepted request by encrypting the local user identifier, demographic information and geographic location information in an alphanumeric string; and

embeds the alphanumeric string in an extensible field of a packet within the request to generate a tagged request identifier. The destination site receives the alphanumeric string containing the tagged request identifier and transmits a request to a tag-related processing service to decode the request identifier. In response to the request, the tag-related processing service provides the corresponding location and demographic information to the destination site. Using this information, the destination site, or any associated advertising partner or other supplemental content provider can serve directed advertisements or messages through the destination site to the client computer.

DISCLOSURE OF THE PATENTED INVENTIONS TO VERIZON

26. VERIZON learned of FEEVA's unique way of implementing targeted marketing between 2007 and 2010. Beginning in 2007, FEEVA interacted with VERIZON under a non-disclosure agreement ("NDA") executed in April 2007, and a second NDA executed April 15, 2010. Pursuant to these two non-disclosure agreements, FEEVA presented its technology to VERIZON in a series of confidential meetings and communications between 2007 and 2010, including 2007 meetings involving senior executives of VERIZON and FEEVA, and an April 2009 technical conference in San Jose, California attended by numerous VERIZON technical employees. In March 2010 in Basking Ridge, New Jersey, FEEVA explained its technology to VERIZON employees. Multiple VERIZON employees requested additional information from FEEVA's employees concerning FEEVA's technology, including proprietary schematics and data flows showing key features of FEEVA's inventions, which FEEVA then disclosed to VERIZON pursuant to the NDAs. Additionally, in summer 2010, VERIZON WIRELESS made a one-time purchase of FEEVA's technology to advertise VERIZON to users of an airline in-flight wi-fi service. During these interactions, FEEVA made VERIZON aware

that FEEVA's technology was covered by pending patent applications and/or an issued patent. For example, in September 2010, FEEVA emailed the individual who held positions as Executive Vice President and Chief Technology Officer at both VERIZON and VERIZON WIRELESS, regarding FEEVA's technology and the value it could bring to VERIZON, and included a link to information regarding FEEVA's first patent. That first FEEVA patent is the asserted '594 Patent.

27. In addition to disclosing its technology to VERIZON, in 2010, FEEVA also disclosed the projected size of portions of the market and the potential revenue associated with the technology. FEEVA's 2010 projections of market size and the potential revenue associated with the technology, which it shared with VERIZON, proved to be correct: tens of billions of dollars are currently spent each year on target or segment marketing.

28. With the recent explosion of digital media distribution and consumption on the World Wide Web, targeted marketing and market segmentation are increasingly being used to market goods and services over the Internet. Consistent with Feeva's projections, it is estimated that in the next few years, companies will spend tens of billions of dollars each year on online advertising campaigns that incorporate targeted marketing and market segmentation strategies, with that expenditure increasing as digital media continues to supplant traditional media. Notably, in 2017, it has been widely reported in the advertising industry that U.S. annual spending on digital advertising has surpassed annual spending on advertising in traditional media.

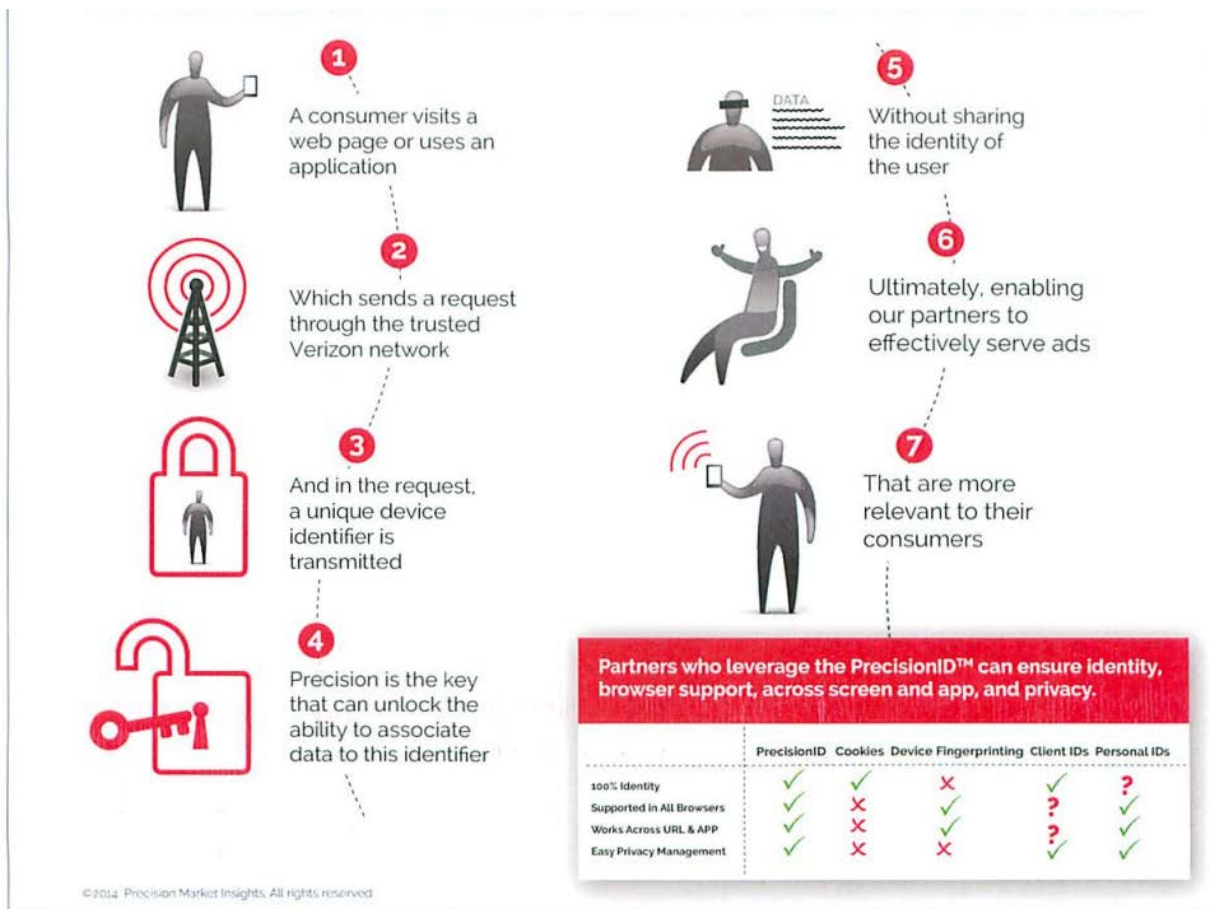
**VERIZON'S ADOPTION OF THE PATENTED TECHNOLOGY:
"VERIZON SELECTS" AND "RELEVANT MOBILE ADVERTISING"**

29. PLAINTIFF is informed and believes VERIZON developed a business strategy to secure substantial market share in the markets for segmented and targeted marketing over the Internet in the period that it was meeting with FEEVA and continuing thereafter. VERIZON expressed to FEEVA in 2010 that it might be interested in FEEVA's technology in the future, but declined to enter into a business relationship or license the technology in the interim.

30. FEEVA ceased operations in late 2010. The Patents-in-Suit were acquired from FEEVA by BRIDGE AND POST. BRIDGE AND POST now owns all rights, title and interest to the Patents-In-Suit.

31. In 2012, VERIZON WIRELESS launched two advertising programs: RELEVANT MOBILE ADVERTISING ("RMA") and VERIZON SELECTS. These programs were under VERIZON's Precision Marketing Insights division. BRIDGE AND POST is informed and believes that both programs implement the tagging scheme previously disclosed to VERIZON by FEEVA and claimed in the asserted '747 Patent. VERIZON WIRELESS called the tags User Identification Headers ("UIDH") or PrecisionIDs.

32. Documentation available from the VERIZON Precision Marketing Insights website explained VERIZON SELECTS' use of the unique identifier headers in combination with "PrecisionID" in six steps: "1. A consumer visits a web page or uses an application; 2. Which sends a request through the trusted Verizon network; 3. And in the request, a unique identifier is transmitted; 4. PrecisionID is the key that can unlock the ability to associate data to the identifier; 5. Without sharing the identity of the user; 6. Ultimately enabling our partners to effectively serve ads; 7. That are more relevant to consumers."



33. In the VERIZON SELECTS program, VERIZON WIRELESS uses a variety of customer information to develop profiles of participating customers to deliver targeted advertising to those customers. For example, as VERIZON WIRELESS admitted in a consent decree filed with the Federal Communications Commission (“FCC”), VERIZON WIRELESS used the following customer information: (a) addresses of websites visited; (b) device location; (c) apps and device features used; (d) postal and e-mail addresses; (e) information about VERIZON products and services usage, including customer proprietary network information (CPNI); and (f) demographic and interest information provided by third parties, such as gender, age range, and interests (e.g. sports fan, frequent diner, or pet owner). Similarly, VERIZON’s documentation on its website notes that PrecisionID is superior to traditional audience building

tools: “[w]ith the PrecisionID, the guesswork is removed, and advertisers have a way [to] reach their audience that is safer, more accurate, and more effective than other solutions in the mobile advertising space.”

34. In the RMA program, launched in 2012, VERIZON WIRELESS uses various customer information to deliver targeted advertising to customers who participate in RMA. In RMA, as VERIZON WIRELESS admitted in an FCC/VERIZON WIRELESS consent decree, VERIZON WIRELESS uses the following customer information: (a) postal and e-mail addresses; (b) certain information about VERIZON products and services, such as device type; and (c) demographic and interest categories that VERIZON obtains from other companies, such as gender, age range, and interests.

35. Upon information and belief, VERIZON, in addition to implementing the technology on its network, filed for two patents relying upon FEEVA’s technology, U.S. Patent application numbers 13/477,539 and 13/466,578, without permission and without disclosure to FEEVA.

36. On May 22, 2012, VERIZON WIRELESS filed U.S. Patent application number 13/477,539. The application resulted in U.S. Patent No. 8,832,436 (the ‘436 Patent), which issued on September 9, 2014, and is titled “Obtaining Targeted Services Using a Unique Identifier Header.” The claimed systems and methods encompass the technology FEEVA disclosed to VERIZON years earlier.

37. On the same day, May 22, 2012, a VERIZON entity filed U.S. Patent Application No. 13/466,578. The patent issued on June 24, 2014 as U.S. Patent No. 8,763,101 (the ‘101 Patent), titled “Multi-Factor Authentication Using A Unique Identification Header.” The patent describes systems for utilizing UIDHs.

38. The patent specifications for both the '436 and the '101 patents note that the UIDHs are suitable for use in mobile phone networks, wired internet, and fiber optic networks.

39. Recognizing the value of this technology and wanting to become dominant in the marketing space, VERIZON COMMUNICATIONS began acquiring other companies that could provide VERIZON WIRELESS an advantage in marketing to consumers over the Internet. In 2015, VERIZON COMMUNICATIONS acquired AOL for \$4.4 billion. A principal goal of the acquisition was to have access to AOL's platform for selling digital advertisements targeted at VERIZON users. On information and belief, the AOL acquisition provided VERIZON with access to 40 percent of websites for advertising. In 2016, VERIZON COMMUNICATIONS commenced the acquisition of Yahoo, Inc. for \$4.8 billion. Again, a principal goal of the acquisition was to have access to the combined VERIZON, AOL, and Yahoo platforms for selling digital advertisements targeted at VERIZON, AOL and Yahoo users.

40. FEEVA's technology was critical to VERIZON's overall strategy because it enables more refined targeting of ads to Internet users.

41. Starting in November 2014, VERIZON WIRELESS's use of the tags to monitor the internet traffic of its mobile phone subscribers was widely reported in press reports, including articles in the Washington Post, USA Today, and Ars Technica. These articles noted considerable concern and backlash from privacy watchdogs and consumers because the tags were added to VERIZON WIRELESS user requests without their knowledge or consent. In December 2014, the FCC launched an investigation of VERIZON WIRELESS's use of UIDHs after receiving complaints.

42. In October 2015, VERIZON disclosed that AOL was making use of the UIDH to serve ads to AOL users using the RMA and VERIZON SELECT programs.

43. In 2016, VERIZON WIRELESS entered a consent decree with the FCC and agreed to pay a \$1.35 million fine for using the UIDHs to tag the web traffic of VERIZON WIRELESS mobile phone subscribers without properly disclosing VERIZON WIRELESS's use of the tags to its mobile phone subscribers, and without giving those subscribers adequate opportunity to opt out of the tagging process. The consent decree described some details of VERIZON WIRELESS's implementations of FEEVA's technology.

44. Following the entry of the consent decree, VERIZON WIRELESS continues to utilize the UIDH in the VERIZON SELECTS and RMA programs. The VERIZON SELECTS Participation Agreement currently available on the VERIZON WIRELESS website notes that the VERIZON SELECTS program uses collected customer information across the entire "Verizon family of companies" for any device accessing the internet. VERIZON's website notes that:

Verizon includes a UIDH in the address information of Internet requests going to Verizon companies (including AOL) and to a small number of partners to help deliver services unrelated to advertising. In addition, when you opt in to Verizon Selects, the UIDH may also be shared with partners who provide advertising services. Verizon partners are authorized to use the UIDH only as part of Verizon and AOL services.

We use these identifiers to help make our advertising programs better by, for example:

- Linking Verizon advertising program information to information AOL has, to provide more personalized advertising
- Serving ads to customers in apps and web browsers that do not use common advertising identifiers
- Helping to determine that different devices have the same user, so AOL can deliver better advertising in more places

45. With respect to the RMA program after the AOL acquisition, VERIZON's website states: "Beginning in November 2015, the Relevant Mobile Advertising program will be combined into the AOL Advertising Network. The combination will help make marketing you

see more personalized and useful to you across the devices and services you use.” The VERIZON website describes how the geographical and demographic data determined from use of UIDH are then used by AOL and other content providers to send ads to VERIZON users:

The information used by the Relevant Mobile Advertising program includes your postal and email addresses; certain information about your Verizon Wireless products and services such as your device type; and demographic and interest categories we get from other companies such as your gender, age range, and interests (i.e., sports fan, frequent diner, or pet owner). The AOL Advertising Network uses information collected when you use AOL services and visit third-party websites where AOL provides advertising services (such as web browsing, app usage, and location), as well as information that AOL obtains from third-party partners and advertisers themselves.

46. VERIZON’S FIOS service also utilizes an advertising program called “RELEVANT ONLINE ADVERTISING,” which is described in the VERIZON FIOS Privacy Policy as follows:

This program helps advertisers better reach Verizon Internet access customers using the postal address we have for you; certain information about your Verizon products and services--such as broadband service features; and demographic and interest information provided to us by other companies--such as gender, age-range, sports fan, frequent diner or pet owner. This information is used to predict whether you fit within an audience an advertiser is trying to reach. We do not share any information that identifies you personally outside of Verizon as part of this program other than with vendors and partners who do work for us. We require that these vendors and partners protect the information and use it only for the services they are providing us.

47. The VERIZON RELEVANT ONLINE ADVERTISING program was formerly known as Digital Direct Marketing. On information and belief, VERIZON began notifying customers that it was using the Digital Direct Marketing Program in 2012.

48. The VERIZON FIOS Privacy Policy indicates that “Verizon also may share certain [collected] information with outside companies, for example, to assist with the delivery of advertising campaigns or preparing and sharing aggregate reports. This information does not

identify Verizon customers individually.”

49. The VERIZON FIOS Privacy Policy indicates that Verizon collects information when you communicate with us and when you use our products, services and sites.... Service usage information we collect includes call records, websites visited, wireless location, application and feature usage, network traffic data, product and device-specific information and identifiers, service options you choose, mobile and device numbers, video streaming and video packages and usage, movie rental and purchase data, TV and other video viewership, and other similar information.

They use this information to “determine [user] eligibility for new products and services and contact [users] with marketing offers.” Further, “[i]nformation about [user] use of Verizon products and services may be aggregated or otherwise de-identified for business and marketing uses by [Verizon] or by third parties. For example, aggregate or de-identified data may be used to ... help make services and advertising more relevant to you.”

50. Upon information and belief, with FEEVA’s patented technology, DEFENDANTS have been able to profit by implementing and using a network in which DEFENDANTS are able to charge for advertising based on the ability of the DEFENDANTS to target ads utilizing FEEVA’s proprietary technologies, including the technologies relating to anonymized tagging. As VERIZON’s website notes:

The best advertising is for something you might actually want, and that is what we want to give you. As part of the AOL Advertising Network, Verizon Selects uses customer information to help make the ads you see more interesting and useful across the devices and services you use or via mail, email or text when you have approved it.

VERIZON also notes the following:

The Relevant Online Advertising program helps advertisers reach Verizon Online customers with offers, coupons, and incentives that may be better tailored to their interests. Because the online ads can be directed to you based on information about your address, demographics and interests, and certain information about the Verizon products and services you have, the

ads you receive with the Relevant Online Advertising program may be more relevant to you.

51. DEFENDANTS' use of FEEVA's patented inventions was willful and deceitful.

COUNT I
Infringement of U.S. Patent No. 7,657,594

52. BRIDGE AND POST incorporates Paragraphs 1 through 51 herein as set forth in full.

53. BRIDGE AND POST is the owner by assignment of all rights, title, and interest in the '594 Patent.

54. The '594 Patent is valid and enforceable.

55. Since the introduction of the RMA, VERIZON SELECTS and RELEVANT ONLINE ADVERTISING programs in 2012, DEFENDANTS have directly and indirectly infringed and continue to infringe one or more claims of the '594 Patent.

56. The RMA, VERIZON SELECTS and RELEVANT ONLINE ADVERTISING programs of the DEFENDANTS, as described above, practice the steps of claim 1:

A method for providing directed media to a user on a network, comprising:

receiving a request from the user to access a content provider web site over a network through a network access device operated by the user;

retrieving a persistent device identifier of the network access device;

determining a current network address of the network access device and one or more characteristics of the access device, wherein the current network address is assigned to the network access device by a network service provider for a present network access session;

retrieving historic information for the user, the historic information including patterns of usage for the network access device, and wherein the historic

information comprises network access information including times and locations of network access and number of previous network accesses by the network access device;

retrieving location-centric information for a location from which the user is accessing the network;

generating a user profile based on the historic information for the user, the location-centric information, and the one or more characteristics of the access device;

storing the user profile as a record that identifies the user through the current network address and the persistent device identifier associated with the network access device;

incorporating into the user profile one or more group characteristics identifying a group with which the user is associated;

assigning a group identifier to the group based on the patterns of usage;

analyzing the retrieved device identifier, historic information, and location-centric information to determine a directed media component to be provided to the user or the group on the network access device, and

placing directed media referenced by the directed media component in the web site requested by the user request from the content provider, wherein the directed media comprises content that is customized to the user based on the user profile.

57. DEFENDANTS directly infringe this claim (and at least one of its dependent claims) by practicing each of these claimed steps in their RMA, VERIZON SELECTS, and RELEVANT ONLINE ADVERTISING programs. DEFENDANTS also directly infringe and meet each limitation of the system (claim 15) and apparatus (claim 24) claims of the '594 Patent (and at least one of their respective dependent claims).

58. In the alternative, DEFENDANTS and their third party partner and/or vendor companies jointly infringe claim 1 of the '594 Patent because DEFENDANTS direct or control third party content providers, which they contract with as partners and vendors, to practice some of the claimed steps (*i.e.* the “analyzing ... to determine a directed media component ...” and/or

the “placing directed media ...” steps of claim 1) in combination with the steps practiced by the DEFENDANTS, so that all of the claimed steps are practiced. DEFENDANTS exercise direction or control over third party content providers by contracting with third party content providers to condition third party content provider’s participation in determining and/or placing directed media that are customized to users in a manner that results in third party content providers performing the elements of claim 1 that DEFENDANTS do not perform directly. For example, VERIZON WIRELESS admits that it shares the information it collects “with vendors and partners who do work for us.” VERIZON WIRELESS also states with respect to its RMA and VERIZON SELECTS programs that “[w]e [only share] information that identifies you personally as part of these programs ... with vendors and partners who do work for us. ***We require that these vendors and partners*** protect the information and ***use it only for the services they are providing us.***”

59. DEFENDANTS’ consumers visit a web page or use an application from a cell phone, desktop or laptop computer, which sends a request (typically an HTTP GET request) through the VERIZON network.

60. The accused “advertising programs use online and device identifiers, including AOL browser cookies, ad IDs from Apple and Google, and the UIDH.” AOL “automatically collect(s) and store(s) [information] about the device [consumers] use when [consumers] access [AOL] Services or the services in the AOL Advertising Network.” AOL’s privacy policy defines “device identifiers” as “strings of letters and numbers that can be used to distinguish one device from other devices.... [I]dentifiers may be used to remember your preferences in connection with a website or app, for analytics purposes, or to provide relevant ads to the device. Apple’s iOS Advertising Identifier (IDFA), Google’s Android Advertising ID,

and Verizon Wireless's UIDH are examples of device identifiers.”

61. DEFENDANTS determine the current network address and one or more characteristics of the access device sending the HTTP GET request from information contained in the HTTP GET request header. The header contains the current IP address to which the requested information is to be returned, which is allocated to the device by its Internet Service provider or carrier. The “User-Agent” field in the HTTP header of the GET request contains characteristics of the access device, including at least the browser name and version (e.g. Firefox 1.0.7), and the Operating System and version (e.g. iPhone OS 8_3).

62. The accused advertising programs retrieve location-centric information; historic information for the user, including patterns of usage for the network access device and network access information including times and locations of network access and number of previous network accesses by the network access device. VERIZON SELECTS “uses ... additional information about your use of Verizon services including mobile Web browsing, app and feature usage and location of your device.” AOL collects and receives location information and log information.

63. AOL “automatically collect(s) and store(s) [log information] when [consumers] use [AOL] Services or other companies’ websites and apps in the AOL Advertising Network. [Log information] may include, for example:

- Information about [consumer] interactions with the websites, apps, and other services [consumers] use, the content [consumers] view, the search queries [consumers] submit, and information in cookies and similar technologies;
- Information about how [consumers] access those websites, apps, and other services, [consumer’s] browser or operating system, [consumer’s] Internet Protocol (‘IP’) address, and the website [consumer] visited before visiting [AOL] Services.”

64. AOL collects location information, which “can include, for example, [consumer] device’s GPS signal and information about nearby WiFi networks and cell towers. [AOL] get(s) this information when [consumers] use location-enabled services like MapQuest, which can give [consumers] driving directions based on [consumer] current location.

65. The VERIZON FIOS Privacy Policy indicates that Verizon collects “information when you communicate with us and when you use our products, services and sites.... Service usage information we collect includes call records, websites visited, wireless location, application and feature usage, network traffic data, product and device-specific information and identifiers, service options you choose, mobile and device numbers, video streaming and video packages and usage, movie rental and purchase data, TV and other video viewership, and other similar information.”

66. DEFENDANTS generate user profiles based on historic information (e.g., browsing history, network access history), the location-centric information (e.g., time at your location, GPS locations) and one or more characteristics of the access device (e.g., type of browser or device).

67. DEFENDANTS use the user profiles to “help make [their] advertising programs better by, for example: [l]inking Verizon advertising program information to information AOL has, to provide more personalized advertising; [c]onnecting app and web browsing activity so ads linked to your interests can appear in both; [and h]elping to determine that different devices have the same user so AOL can deliver better advertising in more places.” AOL uses the information it collects, receives and stores as profiles “to make the advertising [AOL] provide(s) more effective.” One way AOL does this is by “[s]howing [consumers] ads based on [consumers'] online activities, such as the websites and applications [consumers] use,

the content [consumers] view, and the searches [consumers] submit on those applications.”

Additionally, “[t]he Relevant Online Advertising program helps advertisers reach Verizon Online customers with offers, coupons, and incentives that may be better tailored to their interests. Because the online ads can be directed to you based on information about your address, demographics and interests, and certain information about the Verizon products and services you have, the ads you receive with the Relevant Online Advertising program may be more relevant to you.”

68. DEFENDANTS store user profile information as a record (e.g., database record) that is used to serve targeted content based upon the current network address (e.g., IP address) and persistent device identifier (e.g., non-personalized identifiers such as the UIDH, cookies, Apple and Google advertising IDs, etc.) and that is associated with a network access device (e.g., smartphone, tablet, laptop, etc.).

The Relevant Mobile Advertising program uses your postal and email addresses; certain information about your Verizon Wireless products and services such as your device type; and demographic and interest information you provide or we obtain from other companies such as your gender, age range and interests (i.e. sports fan, frequent diner or pet owner). This information may be combined with information the AOL Advertising Network collects when you use AOL services and visit third-party websites where AOL provides advertising services (such as web browsing, app usage and location), as well as information that we or AOL obtain from third-party partners and advertisers. The advertising program uses online and device identifiers including AOL browser cookies, advertising IDs from Apple and Google, and one created by Verizon, known as a Unique Identifier Header or UIDH.

AOL “use(s) the data [they] collect or receive about users’ online activities to help [them] show ads for products or services users are likely to be interested in.... [they] retain certain information, such as IP addresses, for a limited time to aid in the targeting of ads, as well as for fraud detection and prevention.”

69. DEFENDANTS use group characteristics of user profiles to identify groups that a user is associated with based upon the information in the user profile and/or the user's online activities (e.g., web browsing history, demographic and interest information in a user profile), etc. and then assign a group identifier to a group based on patterns of usage to enable advertisers to target users whose user profiles indicate that they are a member of the desired group that an advertiser is seeking to reach with a particular advertisement. DEFENDANTS analyze the retrieved device identifier (e.g., UIDH, cookie, Apple and Google advertising IDs), historic information (e.g. web browsing history), and location-centric information to determine a directed media component to be provided to the consumer. DEFENDANTS, and/or their partners and vendors, place a directed media (e.g., targeted advertisement) referenced by the directed media component in the web site requested by the user request from the content provider, wherein the directed media comprises content that is tailored or customized (e.g., expected to be relevant to a user) to the user based on the user profile.

- “Other interest based ads are shown based on [consumer] online activities over time and across different websites. Advertising companies, including AOL, may collect information about [consumer] online activities in this way in order to make predictions about what products or services may be of interest to [consumer]. Based on these predictions, [AOL] and other companies may categorize [consumer] as belonging to a ‘segment’ of users to which advertisers may be interested in showing ads.”
- According to VERIZON WIRELESS, prior to the acquisition of AOL, “[i]n the two programs that are currently part of the Precision Market Insights portfolio Relevant Mobile Advertising (‘RMA’) and Verizon Selects Verizon works with select ad technology partners to identify audiences an advertiser is trying to reach on mobile and to deliver relevant ads to those customers. For RMA, Verizon creates groups of customers for advertisers to reach based on demographic and interest based information provided to us by other companies. We then relay anonymous information about these groups to our ad partners to enable them to serve relevant ads. If a customer has opted in to Verizon Selects, we will create groups of customers using additional information we have about customers' location, web browsing, and app usage.”

- “The Relevant Online Advertising program helps advertisers reach Verizon Online customers with offers, coupons, and incentives that may be better tailored to their interests. Because the online ads can be directed to you based on information about your address, demographics and interests, and certain information about the Verizon products and services you have, the ads you receive with the Relevant Online Advertising program may be more relevant to you.”

70. On information and belief, DEFENDANTS also actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce third party content providers to analyze and use DEFENDANTS’ advertising programs to place directed media components such as advertisements and coupons on the web page that the user is accessing, and those directed media components are customized to that user based on the user profile.

71. DEFENDANTS have induced infringement of claims 15 and 24 of the ’594 Patent by inducing and encouraging third party content providers to use the systems of DEFENDANTS to infringe the ’594 Patent, either literally or by the doctrine of equivalents, because DEFENDANTS have known about the ’594 Patent and how DEFENDANTS’ products infringe the claims of the ’594 Patent. The DEFENDANTS knowingly intend third party content providers to use the systems of DEFENDANTS in a manner that they know infringes claims 15 and 24 of the ’594 patent by contracting with third party content providers so that their only permitted use of these systems results in infringement of the ’594 patent. Notwithstanding being aware of the infringing use by third party content providers, DEFENDANTS have not taken steps to prevent the infringement by third parties. DEFENDANTS have therefore acted with specific intent to induce infringement of the ’594 Patent.

72. VERIZON has had knowledge and notice of the ’594 Patent since 2010. DEFENDANTS’ infringement was egregious, deliberate and done in bad faith entitling

PLAINTIFF to exemplary damages.

73. BRIDGE AND POST has suffered damages because of DEFENDANTS' infringement of the '594 Patent.

COUNT II
Infringement of U.S. Patent No. 8,862,747

74. BRIDGE AND POST incorporates Paragraphs 1 through 51 herein as set forth in full.

75. BRIDGE AND POST is the owner by assignment of all rights, title, and interest in the '747 Patent.

76. The '747 Patent is valid and enforceable.

77. VERIZON WIRELESS and AOL have directly infringed since Oct. 14, 2014, and continue to infringe, at least one claim of the '747 Patent.

78. VERIZON WIRELESS individually and jointly with AOL, practice the elements of claim 1 of the '747 patent through their VERIZON SELECTS and RMA programs, which include the placement and use of the UIDHs. Claim 1 recites:

A method of processing data sent from a user of a client computer over a network, comprising:

intercepting a request that is in a hypertext transport protocol (HTTP) format from the client computer to a server computer over the network at a routing device within the network and coupled between the client and server computers, and prior to receipt by the server computer, wherein the network is the World Wide Web portion of the Internet, and further wherein the client computer is selected from the group consisting of: a personal computer, a mobile computing device, a cellular phone, a personal digital assistant, a media playback device, and a gaming device;

extracting non-personal information about the user during a Media Access Control (MAC) layer process, wherein the non-personal information includes one or more of data related to the client computer, software on the client computer, information stored on the client computer regarding use of the client computer, and non-personal data associated with the user;

creating a unique device identifier associated with hardware and corresponding to the client computer from the non-personal information, wherein the unique identifier is based directly on at least one of a MAC address, port identifier, or hardcoded identifier embodied in software or hardware and assigned to the client computer;

generating a local user identifier for the client computer by performing a one-way hashing operation on the unique device identifier;

deriving instance information based on request timing information provided by the client computer, and geographic location and demographic information for the client computer from information provided by a remote authentication server on the network;

generating a request identifier associated with the intercepted request by combining and encrypting, in a tag process executed on the routing device, the local user identifier, instance information, and geographic location and demographic information in an alphanumeric string;

embedding the alphanumeric string in an extensible field of a packet within the request to generate a tagged request, wherein the extensible field comprises a portion of an HTTP header field of the packet that is normally unused or essentially left blank;

transmitting the tagged request to the server computer;

providing appropriate decoding tools to the server computer to perform a decoding operation on the tagged request to decode the request identifier embedded in the HTTP extensible field; and

receiving a request to decode the tagged request from the server computer.

79. PLAINTIFF is informed and believes that VERIZON WIRELESS and AOL directly infringe this claim (and at least one of its dependent claims) by practicing each of these claimed steps in their RMA and VERIZON SELECTS programs. PLAINTIFF is informed and believes that VERIZON WIRELESS and AOL also directly infringe and meet each limitation of system claim 10 (and at least one of its dependent claims).

80. In the alternative, on information and belief, VERIZON WIRELESS and AOL and their third party partner and vendor companies jointly infringe claim 1 of the '747 Patent

because VERIZON WIRELESS and AOL direct or control third party content providers, which they contract with as partners and vendors, to practice some of the claimed steps (*i.e.* a third party partner or vendor may practice the final step of claim 1 of “receiving a request to decode the tagged request from the server computer”) in combination with the steps practiced by VERIZON WIRELESS and AOL, so that all of the claimed steps are practiced. VERIZON WIRELESS admits that it shares the information it collects “with vendors and partners who do work for us.” VERIZON WIRELESS also states with respect to its RMA and SELECTS programs that “[w]e [only share] information that identifies you personally as part of these programs ... with vendors and partners who do work for us. ***We require that these vendors and partners protect the information and use it only for the services they are providing us.***”

81. VERIZON WIRELESS and AOL process data sent over a network (e.g. the VERIZON WIRELESS cellular data network) from a user of a client computer (e.g., VERIZON WIRELESS subscriber using a smartphone or other device) by associating a unique identifier with the client computer.

82. VERIZON WIRELESS and AOL intercept HTTP traffic (e.g., an HTTP GET request to a website) originating from a client computer (e.g. smartphone) at a routing device, or other network device, prior to receipt by a server computer (e.g. content provider website) connected to the network in order to insert the UIDH.

83. VERIZON WIRELESS and AOL extract non-personal information about a user including data related to the client computer (e.g. type of device) and software on the client computer (e.g. type of web browser and operating system). For example, the “User-Agent” field in the HTTP header of the GET request contains characteristics of the access device, including at least the browser name and version (e.g. Firefox 1.0.7), the Operating System and version (e.g.,

iPhone OS 8_3).

84. VERIZON WIRELESS described its UIDH as follows:

2. What is a UIDH? —

Verizon Wireless includes a Unique Identifier Header (UIDH) in the address information that accompanies Internet (http) requests transmitted over our wireless network. For example, when a customer types on his or her phone the web address of a retailer, that request travels over the network and is delivered to the retailer's website. The information included in that request includes things like the device type and screen size so that the retailer site knows how to best display the site on the phone. The UIDH is included in this information, and can be used as described below.

It is important to note that the UIDH is a temporary, anonymous identifier included with unencrypted web traffic. We change the UIDH on a regular basis to protect the privacy of our customers. We do not use the UIDH to collect web browsing information and it does not broadcast individuals' web browsing activity out to advertisers or others.

85. VERIZON WIRELESS and AOL create a unique device identifier corresponding to a client computer (e.g., smartphone) from non-personal information that is based upon the hardware and subscriber information assigned to the client computer (e.g., mobile directory number (MDN), subscriber identity module (SIM), etc.).

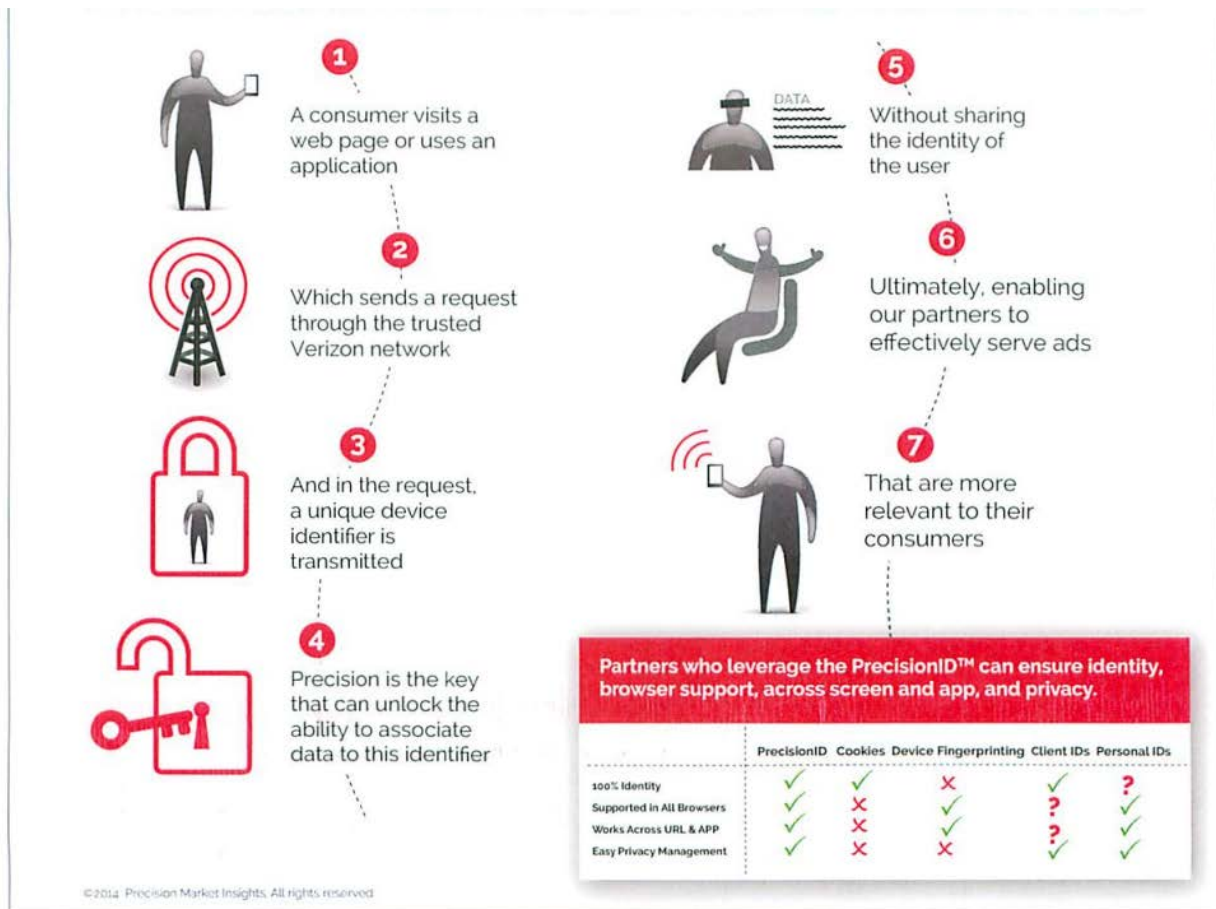
86. A local user identifier (e.g. UIDH) is generated by hashing a unique device identifier. VERIZON WIRELESS and AOL's remote authentication server(s) derive instance information based on the requesting timing information (e.g. time network access requested – recorded for billing purposes, and used to track “usage history” associated with a device), geographic location (e.g. determined by cell tower location, used to track “usage history”) and demographic information (e.g. a subscriber profile).

87. VERIZON WIRELESS and AOL generate a request identifier by combining and encrypting the UIDH and other information into an alphanumeric string, which is embedded into an extensible field of the header of a HTTP request (e.g. HTTP GET request) to generate a tagged request (e.g., modified request including additional information). The other information may include demographic information (e.g. age, household income, etc.). VERIZON WIRELESS and AOL also use geographic location information (e.g. city, ZIP code, GPS, cell

tower triangulation information) that is used to target advertisements based upon a subscriber's location. VERIZON SELECTS uses "additional information about [consumer's] use of Verizon services including mobile Web browsing, app and feature usage and location of [consumer's] device. The AOL Advertising Network uses information collected when [consumer] use(s) AOL services and visit third-party websites where AOL provides advertising services (such as Web browsing, app usage, and location), as well as information that AOL obtains from third-party partners and advertisers." Additionally,

The Relevant Mobile Advertising program uses [consumer's] postal and email addresses; certain information about [consumer's] Verizon Wireless products and services such as [consumer's] device type; and demographic and interest information [consumer] provide or [Verizon Wireless] obtain(s) from other companies such as [consumer's] gender, age range and interests (i.e. sports fan, frequent diner or pet owner). This information may be combined with information the AOL Advertising Network collects when [consumer] use(s) AOL services and visit third-party websites where AOL provides advertising services (such as web browsing, app usage and location), as well as information that [Verizon Wireless] or AOL obtain from third-party partners and advertisers. The advertising program uses online and device identifiers including AOL browser cookies, advertising IDs from Apple and Google, and one created by Verizon, known as a Unique Identifier Header or UIDH.

88. VERIZON WIRELESS and AOL then send the tagged request (e.g., packet with modified HTTP header) to the content provider server (e.g. website) or an ad server (e.g., a



server that is part of the AOL Advertising Network) associated with the content provider.

89. VERIZON WIRELESS and AOL provide appropriate decoding tools to the server computer to perform a decoding operation on the tagged request to decode the request identifier embedded in the HTTP extensible field. The structure of the embedded request identifier must be known by the server computer to facilitate the exchange of useful information. For example, the server computer (e.g., content provider, or equivalent ad server) must have the appropriate decoding tools (e.g., software capable of ascertaining the meaning of the transactional identifier inserted in the modified HTTP request). Alternatively, a decryption

key must be provided to enable the encrypted transactional identifier to be decrypted for the system to have utility.

90. The request to decode or decrypt is received by VERIZON WIRELESS and AOL and/or their partners and vendors receive a request to decode the tagged request from the server computer by virtue of receiving a modified packet including a transactional identifier that needs to be decoded from an alphanumeric string or decrypted.

91. On information and belief, VERIZON WIRELESS has had knowledge and notice of the '747 Patent since 2014, when the patent issued, and no later than September 2015 when BRIDGE and POST's representative contacted VERIZON to see if they were interested in a license to the '747 Patent. VERIZON WIRELESS and AOL's infringement was egregious, deliberate and done in bad faith entitling PLAINTIFF to exemplary damages.

92. BRIDGE AND POST has suffered damages because of VERIZON WIRELESS and AOL's infringement of the '747 Patent.

RELIEF REQUESTED

WHEREFORE, BRIDGE AND POST respectfully requests that this Court grant relief against the DEFENDANTS and in favor of BRIDGE AND POST as follows:

- (a) Judgment that the DEFENDANTS infringe one or more claims of the Patents-in-Suit;
- (b) Judgment that the DEFENDANTS have directly infringed, contributorily infringed, and/or induced the infringement of the Patents-in-Suit;
- (c) Judgment awarding BRIDGE AND POST damages adequate to compensate it for the DEFENDANTS' infringement of the Patents-in-Suit, including all pre-judgment and post-judgment interest;

- (d) Judgment that the DEFENDANTS have willfully infringed and continue to willfully infringe the Patent-in-Suit;
- (e) Judgment awarding BRIDGE AND POST treble damages for willful infringement;
- (f) Judgment that this is an exceptional case and an award of attorney's fees and expenses; and
- (g) Judgment awarding BRIDGE AND POST such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

BRIDGE AND POST demands a jury trial on all claims and issues pursuant to Federal Rule of Civil Procedure 38(a).

Dated: February 1, 2017

Respectfully submitted,

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