

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DISTEFANO PATENT TRUST III, LLC,

Plaintiff,

v.

TRIPADVISOR, INC.,

Defendants.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DiStefano Patent Trust III, LLC (“DiStefano” or “Plaintiff”), for its Complaint against Defendant TripAdvisor, Inc. (“TripAdvisor” or “Defendant”), alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff is a limited liability company organized under the laws of the State of Florida with a place of business at 2910 NW 26th Avenue, Boca Raton, Florida 33434.

3. Upon information and belief, TripAdvisor, Inc. is a [Type of Organization] organized and existing under the laws of Delaware, with a place of business at 400 1st Avenue, Needham, Massachusetts 02494, and can be served through its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, TripAdvisor sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce

and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b). On information and belief, Defendant conducts business in this District, the claims alleged in this Complaint arise in this District, and the acts of infringement have taken place and are continuing to take place in this District.

7. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104 because Defendant purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District, because Defendant regularly conducts and solicits business within the State of Delaware and within this District, and because Plaintiff's causes of action arise directly from each of Defendant's business contacts and other activities in the State of Delaware and this District. Further, this Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,996,398**

8. The allegations set forth in the foregoing paragraphs 1 through 7 are incorporated into this First Claim for Relief.

9. On March 31, 2015, U.S. Patent No. 8,996,398 (“the ’398 patent”), entitled “Reciprocal Insertion of Links for Web Pages,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’398 patent is attached as Exhibit 1.

10. The inventions of the ’398 patent resolve technical problems related to a streamlined process for developing web pages and posting those web pages on the internet. For example, the inventions allow parties to establish reciprocal linking arrangements between multiple web pages using only a single web page implementation system, as opposed to prior art processes that required multiple systems to accomplish the same result.

11. The claims of the ’398 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’398 patent recite one or more inventive concepts that are rooted in computerized web design technology, and overcome problems specifically arising in the realm of computerized web design.

12. The claims of the ’398 patent recite an invention that is not merely the routine or conventional use of computer hardware systems or graphical user interfaces. Instead, the invention applies a streamlined method of employing these tools to establish a reciprocal linking arrangement between web pages with a single web page implementation system. The ’398 patent claims thus specify how to employ such a method to efficiently achieve the desired reciprocal linking arrangement.

13. The technology claimed in the ’398 patent does not preempt all ways of using computer hardware systems or graphical user interfaces to establish reciprocal linking arrangements between web pages, nor does it preempt the use of all reciprocal linking

arrangements between web pages, nor does it preempt any other well-known or prior art technology.

14. Accordingly, each claim of the '398 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

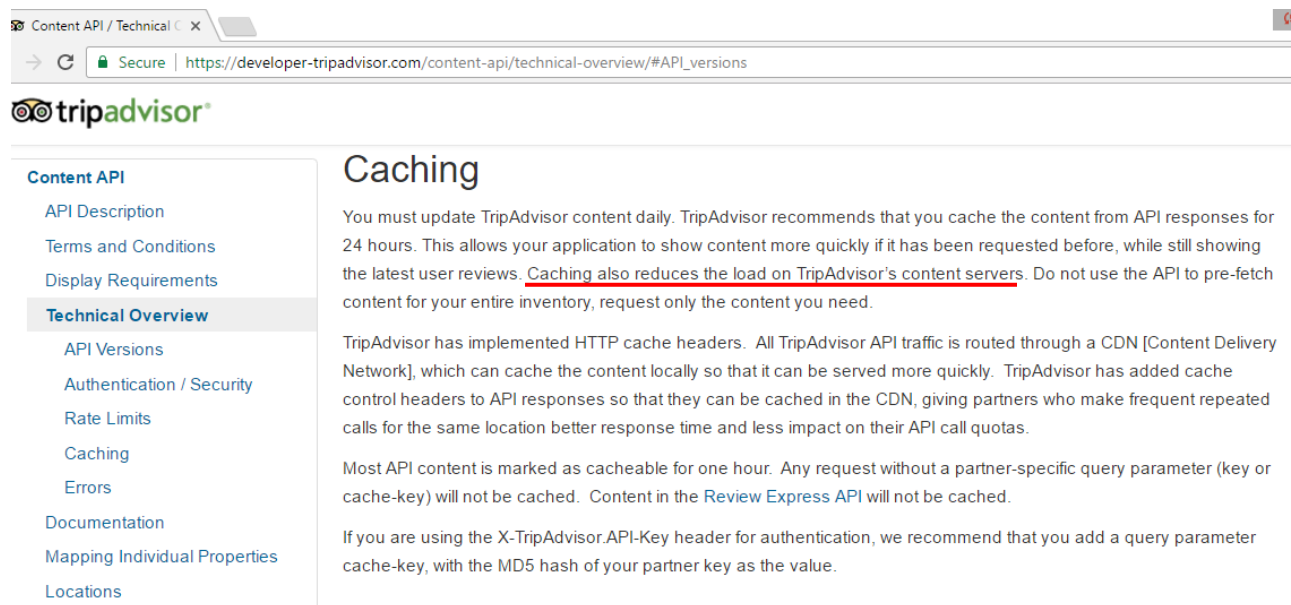
15. Plaintiff is the assignee and owner of the right, title and interest in and to the '398 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

16. Upon information and belief, Defendant has and continues to directly infringe at least claims 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, and 23 of the '398 patent by making, using, selling, importing and/or providing and causing to be used webpage implementation systems configured to establish reciprocal linking arrangements between web pages; such webpage implementation systems are within the scope of claims 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, and 23 of the '398 patent, and include at least those systems employed by tripadvisor.com, jetsetter.com, oyster.com, thefork.com, viator.com, cruisecritic.com, smartertravel.com, seatguru.com, airfarewatchdog.com, flipkey.com, holidaylettings.com, vacationhomerentals.com, and familyvacationcritic.com (the "Infringing Instrumentalities").

17. Claim 9 of the '398 patent generally recites a webpage implementation server system, comprising: a computer hardware system configured to perform: inserting, within a first web page associated with a first entity, a first functional identification element associated with a second entity, and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated with the first entity based upon the first functional identification element being inserted with the first web page, wherein the second

functional identification element, with in the second web page, includes a link to the first web page, and the first functional identification element, within the first web page, includes a link to the second web page.

18. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 9 of the '398 patent because they include a webpage implementation server system, comprising: a computer hardware system configured to perform:



inserting, within a first web page associated with a first entity, a first functional identification element associated with a second entity,

The screenshot shows the top portion of the TripAdvisor page for the restaurant 'Daniel'. At the top, there are browser tabs for 'New York City - U' and 'Thomas E - Member Re'. The URL is 'https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html'. The restaurant name 'Daniel' is prominently displayed, followed by a 5-star rating and '2,477 Reviews'. It is noted as '#1 of 9,046 Restaurants in New York City'. The address is 'Upper East Side' and the cuisine is 'French, Vegetarian Friendly, Gluten Free Options'. A '2016 TRAVELERS' CHOICE' award logo is visible. Below the header, there are tabs for 'Overview', 'Reviews (2,477)', 'Details', 'Menu', 'Q&A (48)', and 'Location'. A 'Save' button and a 'Write a Review' button are also present. The main content area features a large photo of a yellow taxi cab in front of the restaurant entrance. To the right of the photo is a 'Reserve with OpenTable' section with a date of '3/2/2017', a time of '8:00 PM', and a party size of '2', with a yellow 'Find a table' button. Further right is a map showing the location at '60 East 65th Street, New York City, NY 10065 (Park Avenue)'. Below the map, there is contact information including a phone number '212 288 0033', a website link, and an email link. The operating hours are listed as 'Today 5:30 pm - 11:00 pm' with a 'Closed now' status. There is also a 'Can a vegan person get a good meal at this restaurant?' section with 'Yes', 'No', and 'Unsure' options.

This screenshot shows the 'Reviews' section of the TripAdvisor page for 'Daniel'. The 'Reviews (2,477)' tab is selected. On the left side, there are two user profiles: 'Thomas E' from Goldens Bridge, New York, a Level 5 Contributor with 58 reviews, 37 restaurant reviews, and 12 helpful votes; and 'Kixon', a Level 5 Contributor with 64 reviews, 47 restaurant reviews, and 17 helpful votes. The main review area displays two reviews, both marked as 'NEW'. The first review is by Thomas E, titled 'Just a Great Experience', with a 5-star rating and a mobile device icon. The text of the review reads: 'We arrived at Daniels Saturday night, hungry and thirsty. We left full and happy. We had the choice between the four course or seven course meals. We did the four course. First course we had seafood salad and lobster salad, both excellent. Second course we had the snapper, sea bass, and sweetbreads, again all excellent. Third course we had the...'. Below the review is a 'Helpful?' section with a thumbs-up icon, a '1' in a box, and a 'Thank Thomas E' button, along with a 'Report' button. The second review is by Kixon, titled 'Almost too good, pitch perfect!', also with a 5-star rating and a mobile device icon. The text reads: 'Daniel is considered one of the best restaurants in NYC and for a good reason! They have impeccable service, a wonderful menu and high quality wines. It's almost too good! We had the four course tasting menu and came out super satisfied. The kitchen was very attentive to my pregnancy dietary restrictions. Especially memorable was the amuche bouche, beetroot in...'. It also has a 'Helpful?' section with a thumbs-up icon, a '1' in a box, a 'Thank Kixon' button, and a 'Report' button. Red curved lines are drawn around the user profile information and the review content for both reviewers.

and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated with the first entity based upon the first functional

identification element being inserted with the first web page, wherein the second functional identification element, with in the second web page, includes a link to the first web page,

Thomas E's TripCollective Progress

Total Points: 5,932

Level 5 Contributor

Badges (24 total)

- Readership: 20,000 Readers
- Top Contributor: 50 Reviews
- Passport: 17 Cities

	Rating	Helpful Votes	Points
New York City: On Your Feet! "Great fun, go enjoy the music and s..." On your feet is playing in the Marriott theater wh... Feb 27, 2017	5/5		100
New York City: Penelope "Brunch Sunday" We visited early this past Sunday morning which is... Feb 27, 2017	5/5		100
New York City: Daniel "Just a Great Experience" We arrived at Daniels Saturday night, hungry and t... Feb 27, 2017	5/5	1	101
White Plains: Noda Japanese Steakhouse "Just what you expect nothing beyon.." My son love's japanese hibachi so we visit all the...	4/5		100

and the first functional identification element, within the first web page, includes a link to the second web page:

The screenshot shows the top portion of the TripAdvisor page for the restaurant Daniel. The browser tabs show "New York City - U" and "Thomas E - Member Re". The address bar contains the URL: [https://www.tripadvisor.com/Restaurant\\_Review-g60763-d457808-Reviews-Daniel-New\\_York\\_City\\_New\\_York.html](https://www.tripadvisor.com/Restaurant_Review-g60763-d457808-Reviews-Daniel-New_York_City_New_York.html). The restaurant name "Daniel" is prominently displayed, along with a 5-star rating, "2,477 Reviews", and "#1 of 9,046 Restaurants in New York City". It also lists "French, Vegetarian Friendly, Gluten Free Options" and a "2016 TRAVELERS' CHOICE" award. Navigation tabs include Overview, Reviews (2,477), Details, Menu, Q&A (48), and Location. A "Reserve with OpenTable" section shows a date of 3/2/2017, time of 8:00 PM, and 2 people, with a "Find a table" button. On the right, there is a map, address (60 East 65th Street, New York City, NY 10065), phone number (212 288 0033), and hours (Today 5:30 pm - 11:00 pm, Closed now). A "Write a Review" button is visible in the top right.

The screenshot shows the "Reviews (2,477)" section of the Daniel restaurant page. The navigation tabs are Overview, Reviews (2,477), Details, Menu, Q&A (48), and Location. Two reviews are highlighted with red curved lines. The first review is by Thomas E. from Goldens Bridge, New York, a Level 5 Contributor with 58 reviews, 37 restaurant reviews, and 12 helpful votes. The review title is "Just a Great Experience" and it was reviewed 2 days ago via mobile. The text reads: "We arrived at Daniels Saturday night, hungry and thirsty. We left full and happy 😊 We had the choice between the four course or seven course meals. We did the four course. First course we had seafood salad and lobster salad, both excellent. Second course we had the snapper, sea bass, and sweetbreads, again all excellent. Third course we had the...". It includes a "More" dropdown, a "Helpful?" section with 1 "Thank Thomas E" button, and a "Report" link. The second review is by Kixon, a Level 5 Contributor with 64 reviews, 47 restaurant reviews, and 17 helpful votes. The review title is "Almost too good, pitch perfect!" and it was reviewed 2 days ago via mobile. The text reads: "Daniel is considered one of the best restaurants in NYC and for a good reason! They have impeccable service, a wonderful menu and high quality wines. It's almost too good! We had the four course tasting menu and came out super satisfied. The kitchen was very attentive to my pregnancy dietary restrictions. Especially memorable was the amuche bouche, beetroot in...". It also includes a "More" dropdown, a "Helpful?" section with 1 "Thank Kixon" button, and a "Report" link.



19. Claim 10 of the '398 patent generally recites the server system of claim 9, wherein the second functional identification element includes an image.

20. As demonstrated in paragraph 18, the Infringing Instrumentalities infringe claim 10 of the '398 patent because they meet the limitations of claim 9 and because the second functional identification element within the Infringing Instrumentalities includes an image.

21. Claim 11 of the '398 patent generally recites the server system of claim 10, wherein the computer hardware system is further configured to perform receiving, from the first entity, the image.

22. The Infringing Instrumentalities infringe claim 11 of the '398 patent because, as demonstrated in paragraph 20, they meet the limitations of claim 10, and because, as demonstrated in paragraph 18, the Infringing Instrumentalities comprise a computer hardware system that is further configured to perform receiving, from the first entity, the image.

23. Claim 12 of the '398 patent generally recites the server system of claim 9, wherein the first web page includes one or more web pages.

24. The Infringing Instrumentalities infringe claim 12 of the '398 patent because, as demonstrated in paragraph 18, the Infringing Instrumentalities meet the limitations of claim 9, and because, as demonstrated in the exemplary images below, the first web page includes one or more web pages:


ew York City - U X Thomas E - Member Rev X Leonard

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html


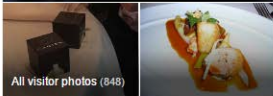
## Daniel

2,477 Reviews #1 of 9,046 Restaurants in New York City

SSSS Upper East Side French, Vegetarian Friendly, Gluten Free Options



Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review

All visitor photos (848)

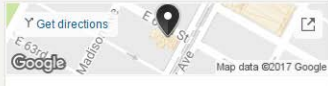
Reserve with OpenTable

3/2/2017 8:00 PM 2

**Find a table**

Can a vegan person get a good meal at this restaurant?

Yes  No  Unsure



60 East 65th Street, New York City, NY 10065 (Park Avenue)

212 288 0033 Website E-mail

Today 5:30 pm - 11:00 pm **Closed now**  
[See all hours](#)

[Improve this listing](#)


More info

ew York City - U X Thomas E - Member Rev X

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

Overview **Reviews (2,477)** Details Menu Q&A (48) Location

53 helpful votes




A TripAdvisor Member

**“Wonderful Dining Experience”**

5 Reviewed 1 week ago via mobile

Amazing food with knowledgeable and friendly staff. Expensive but if you want to spoil yourself, this is the place. We had the 4 course fixe prix. Plenty of nice options. They added creative amuse bouche starters and closing tasty treats. Yum!

Helpful? [Thank A TripAdvisor Member](#) Report



David S  
St Catharines  
Level 3 Contributor

11 reviews  
7 restaurant reviews  
2 helpful votes

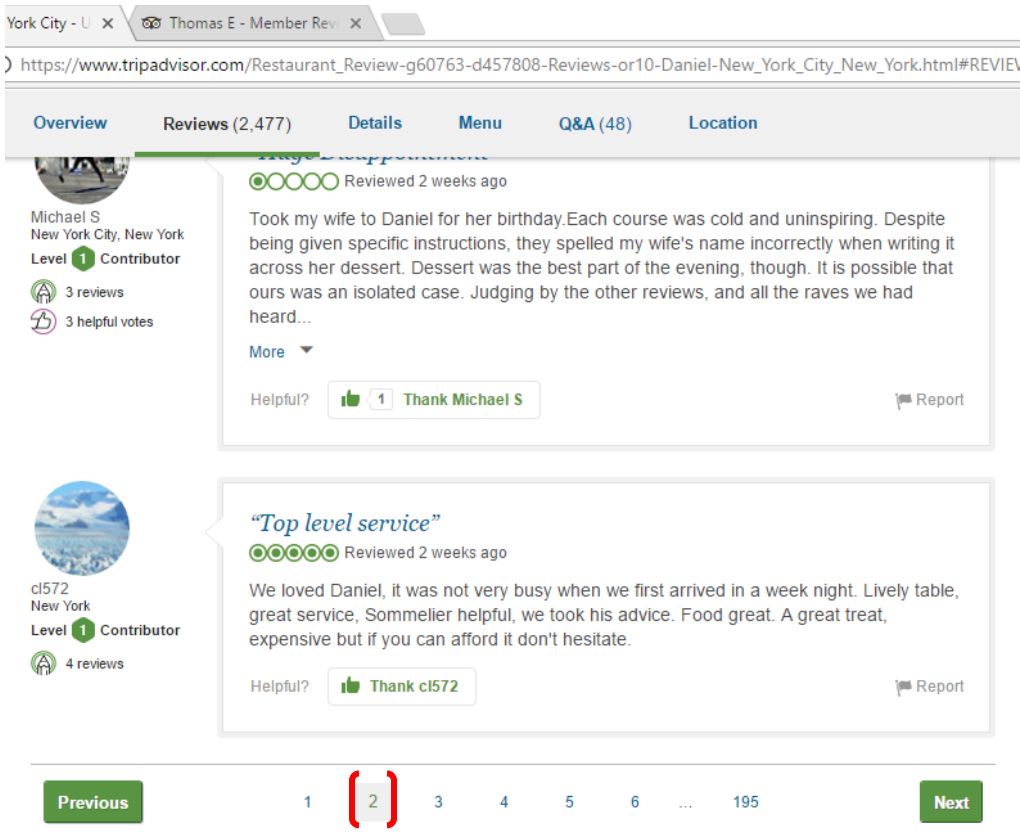
**“A birthday treat”**

5 Reviewed 2 weeks ago

I have celebrated 2 birthdays at Daniel and both occasions were outstanding. The ambience is beautiful and the food and the service are a 10 out of 10. This year I have a major birthday coming up and I hope to celebrate it at Daniel.

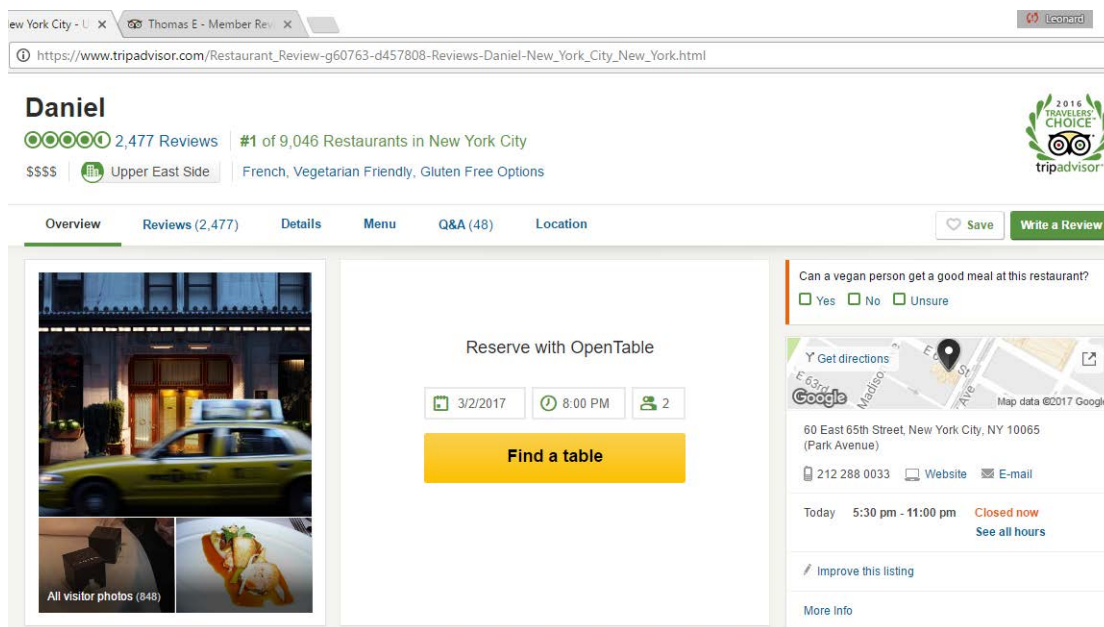
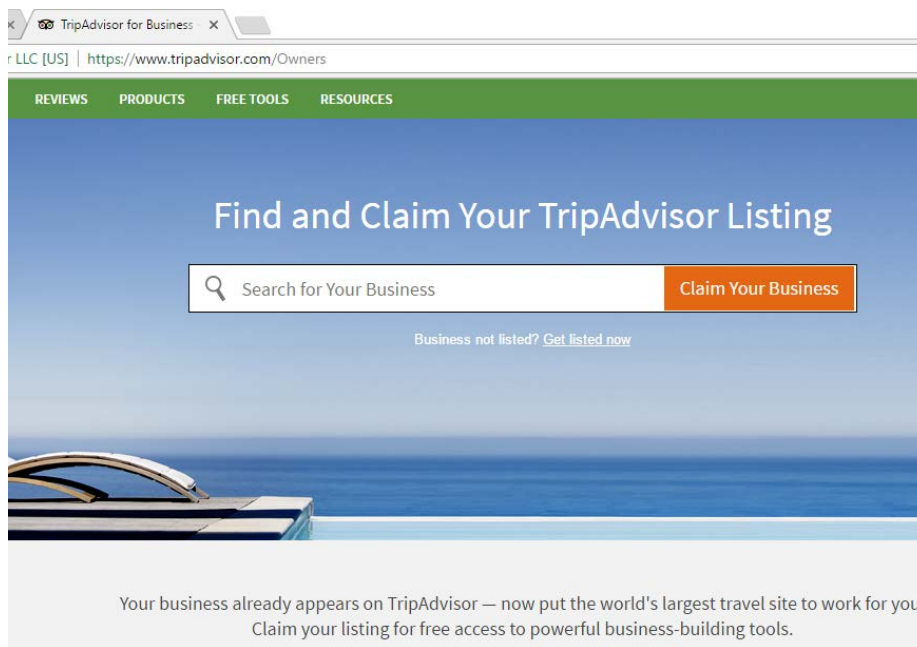
Helpful? [Thank David S](#) Report

Previous **1** 2 3 4 5 6 ... 195 Next

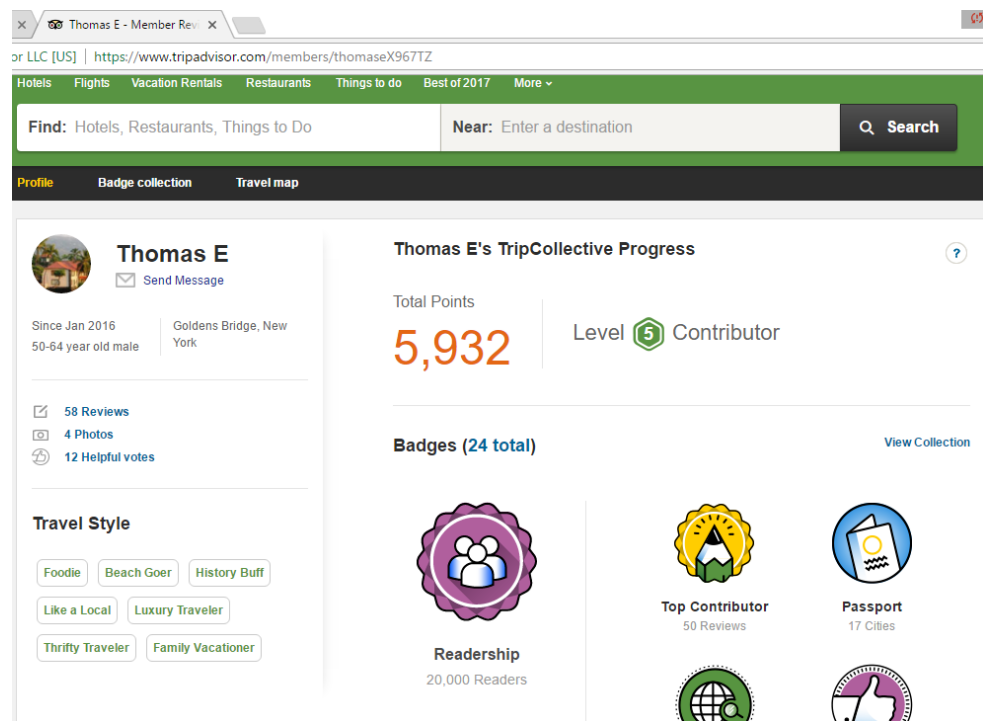
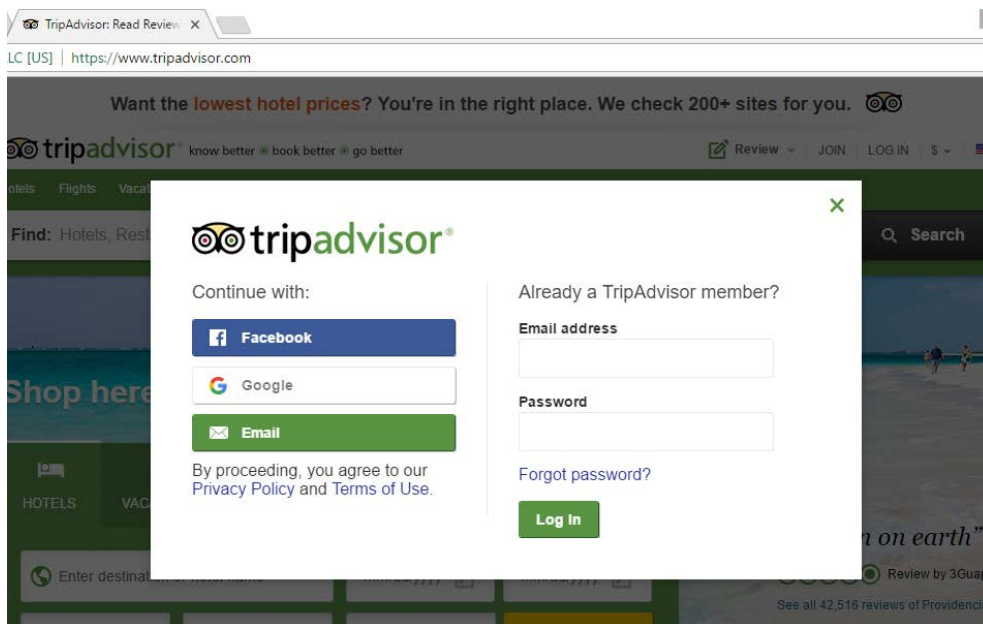


25. Claim 16 of the '398 patent generally recites the webpage implementation server system of claim 9, wherein the first entity is a first registered user of the webpage implementation server system, and the second is a second registered user of the webpage implementation server system.

26. The Infringing Instrumentalities infringe claim 16 of the '398 patent because, as demonstrated in paragraph 18, they meet the limitations of claim 9, and because, as demonstrated in the exemplary images below, and on information and belief, the first entity of the Infringing Instrumentalities is a first registered user of the webpage implementation server system,



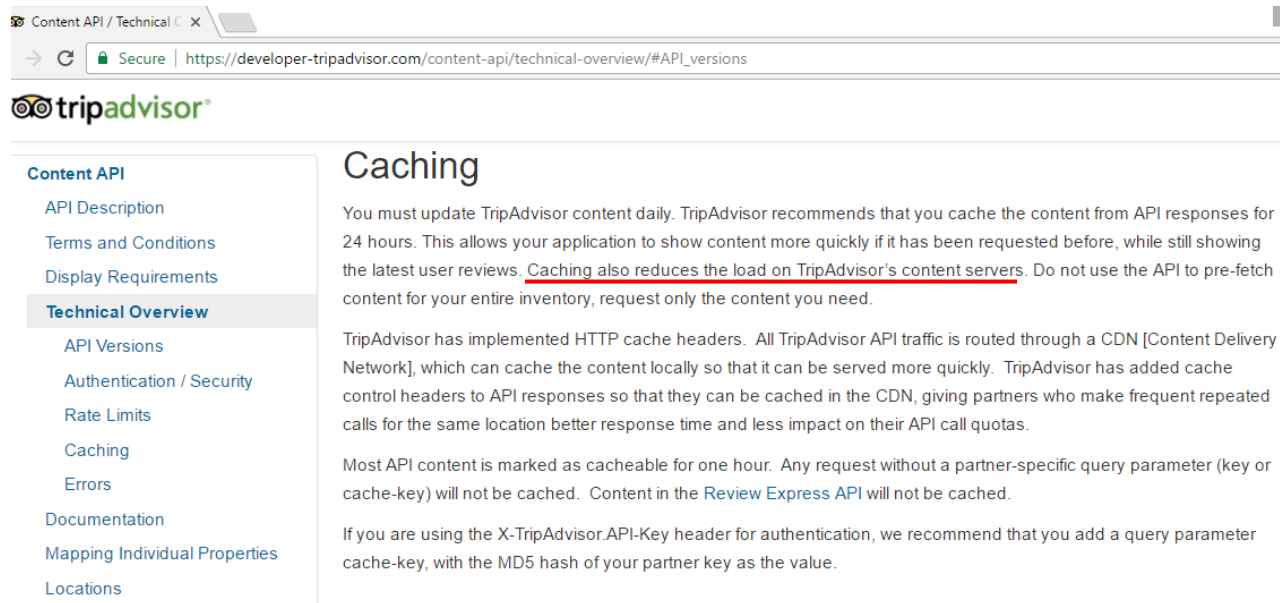
and the second is a second registered user of the webpage implementation server system:



27. Claim 17 of the '398 patent generally recites a webpage implementation system, comprising: a client computer associated with a first entity; and a server system configured to perform: inserting, within a first web page associated with the first entity, a first functional identification element associated with a second entity, and reciprocally inserting, within a second

web page associated with the second entity, a second functional identification element associated with the first entity based upon the first functional identification element being inserted within the first web page, wherein the second functional identification element, within the second web page, includes a link to the first web page, and the first functional identification element, within the first web page, includes a link to the second web page.

28. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 17 of the '398 patent because they include a webpage implementation system, comprising: a client computer associated with a first entity; and a server system configured to perform: inserting, within a first web page associated with the first entity, a first functional identification element associated with a second entity,



ew York City - U X Thomas E - Member Rev X Leonard

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

### Daniel

2,477 Reviews #1 of 9,046 Restaurants in New York City

SSSS Upper East Side French, Vegetarian Friendly, Gluten Free Options

2016 TRAVELERS' CHOICE tripadvisor

Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review

Can a vegan person get a good meal at this restaurant?  
 Yes  No  Unsure

Reserve with OpenTable

3/2/2017 8:00 PM 2

Find a table

Get directions  
60 East 65th Street, New York City, NY 10065 (Park Avenue)  
212 288 0033 Website E-mail

Today 5:30 pm - 11:00 pm Closed now See all hours

Improve this listing

More info

w York City - U X Thomas E - Member Rev X

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html#REVIEWS

Overview Reviews (2,477) Details Menu Q&A (48) Location

**Thomas E**  
Goldens Bridge, New York  
Level 5 Contributor  
58 reviews  
37 restaurant reviews  
12 helpful votes

**“Just a Great Experience”** NEW  
5 stars Reviewed 2 days ago via mobile  
We arrived at Daniels Saturday night, hungry and thirsty. We left full and happy. We had the choice between the four course or seven course meals. We did the four course. First course we had seafood salad and lobster salad, both excellent. Second course we had the snapper, sea bass, and sweetbreads, again all excellent. Third course we had the...  
More  
Helpful? 1 Thank Thomas E Report

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Level 5 Contributor  
64 reviews  
47 restaurant reviews  
17 helpful votes

**“Almost too good, pitch perfect!”** NEW  
5 stars Reviewed 2 days ago via mobile  
Daniel is considered one of the best restaurants in NYC and for a good reason! They have impeccable service, a wonderful menu and high quality wines. It's almost too good! We had the four course tasting menu and came out super satisfied. The kitchen was very attentive to my pregnancy dietary restrictions. Especially memorable was the amuche bouche, beetroot in...  
More  
Helpful? 1 Thank Kixon Report

and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated with the first entity based upon the first functional

identification element being inserted within the first web page, wherein the second functional identification element, within the second web page, includes a link to the first web page,

Thomas E's TripCollective Progress

Total Points: **5,932** | Level **5** Contributor

Badges (24 total)

- Readership: 20,000 Readers
- Top Contributor: 50 Reviews
- Passport: 17 Cities

	Rating	Helpful Votes	Points
New York City: On Your Feet! "Great fun, go enjoy the music and s..." On your feet is playing in the Marriott theater wh... Feb 27, 2017	5/5		100
New York City: Penelope "Brunch Sunday" We visited early this past Sunday morning which is... Feb 27, 2017	5/5		100
New York City: Daniel "Just a Great Experience" We arrived at Daniels Saturday night, hungry and t... Feb 27, 2017	5/5	1	101
White Plains: Noda Japanese Steakhouse "Just what you expect nothing beyon.." My son love's japanese hibachi so we visit all the... Feb 27, 2017	5/5		100



and the first functional identification element, within the first web page, includes a link to the second web page:

The screenshot shows the main page for the restaurant 'Daniel' on TripAdvisor. At the top, it displays the restaurant's name, a 5-star rating with 2,477 reviews, and its ranking as '#1 of 9,046 Restaurants in New York City'. It also lists the price range as '\$\$\$\$' and the location as 'Upper East Side'. A '2016 TRAVELERS' CHOICE' award badge is visible. The navigation bar includes 'Overview', 'Reviews (2,477)', 'Details', 'Menu', 'Q&A (48)', and 'Location'. A 'Write a Review' button is present. The main content area features a photo of the restaurant's exterior, a 'Reserve with OpenTable' section with a 'Find a table' button, and a sidebar with a map, address (60 East 65th Street, New York City, NY 10065), phone number (212 288 0033), and hours (5:30 pm - 11:00 pm, closed now).

This screenshot shows the 'Reviews' section of the Daniel restaurant page. The navigation bar is the same as the previous screenshot. Two reviews are highlighted with red curved lines. The first review is by 'Thomas E. Goldens Bridge, New York', a Level 5 Contributor with 58 reviews, 37 restaurant reviews, and 12 helpful votes. The review title is 'Just a Great Experience' and it was posted 2 days ago via mobile. The text reads: 'We arrived at Daniels Saturday night, hungry and thirsty. We left full and happy 😊 We had the choice between the four course or seven course meals. We did the four course. First course we had seafood salad and lobster salad, both excellent. Second course we had the snapper, sea bass, and sweetbreads, again all excellent. Third course we had the...'. The second review is by 'Kixon', a Level 5 Contributor with 64 reviews, 47 restaurant reviews, and 17 helpful votes. The review title is 'Almost too good, pitch perfect!' and it was also posted 2 days ago via mobile. The text reads: 'Daniel is considered one of the best restaurants in NYC and for a good reason! They have impeccable service, a wonderful menu and high quality wines. It's almost too good! We had the four course tasting menu and came out super satisfied. The kitchen was very attentive to my pregnancy dietary restrictions. Especially memorable was the amuche bouche, beetroot in...'. Both reviews include a 'Thank' button and a 'Report' link.

29. Claim 18 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the second functional identification element includes an image.

30. As demonstrated in paragraph 28, the Infringing Instrumentalities infringe claim 18 of the '398 patent because they meet the limitations of claim 17 and the second functional identification element within the Infringing Instrumentalities includes an image.

31. Claim 19 of the '398 patent generally recites the webpage implementation system of claim 18, wherein the server system is further configured to perform receiving, from the first entity via the client computer, the image.

32. The Infringing Instrumentalities infringe claim 19 of the '398 patent because, as demonstrated in paragraph 30, they meet the limitations of claim 18, and because, as demonstrated in paragraph 28, the Infringing Instrumentalities comprise a server system that is further configured to perform receiving, from the first entity via the client computer, the image.

33. Claim 20 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the first web page includes one or more web pages.

34. The Infringing Instrumentalities infringe claim 20 of the '398 patent because, as demonstrated in paragraph 28, they meet the limitations of claim 17, and because, as demonstrated in the exemplary images below, the first web page of the Infringing Instrumentalities includes one or more web pages:

ew York City - U X Thomas E - Member Rev X Leonard


https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

## Daniel

5.0 2,477 Reviews #1 of 9,046 Restaurants in New York City  
 SSSS Upper East Side French, Vegetarian Friendly, Gluten Free Options

2016 TRAVELERS' CHOICE tripadvisor

Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review



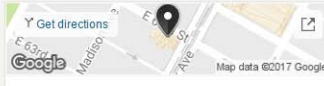
All visitor photos (848)

Reserve with OpenTable

Find a table

Can a vegan person get a good meal at this restaurant?

Yes
  No
  Unsure



60 East 65th Street, New York City, NY 10065 (Park Avenue)

Today 5:30 pm - 11:00 pm Closed now

[See all hours](#)

[Improve this listing](#)


More info

ew York City - U X Thomas E - Member Rev X

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Overview **Reviews (2,477)** Details Menu Q&A (48) Location

53 helpful votes




A TripAdvisor Member

**“Wonderful Dining Experience”**

5.0 Reviewed 1 week ago  via mobile

Amazing food with knowledgeable and friendly staff. Expensive but if you want to spoil yourself, this is the place. We had the 4 course fixe prix. Plenty of nice options. They added creative amuse bouche starters and closing tasty treats. Yum!

Helpful?



David S  
St Catharines  
Level 3 Contributor

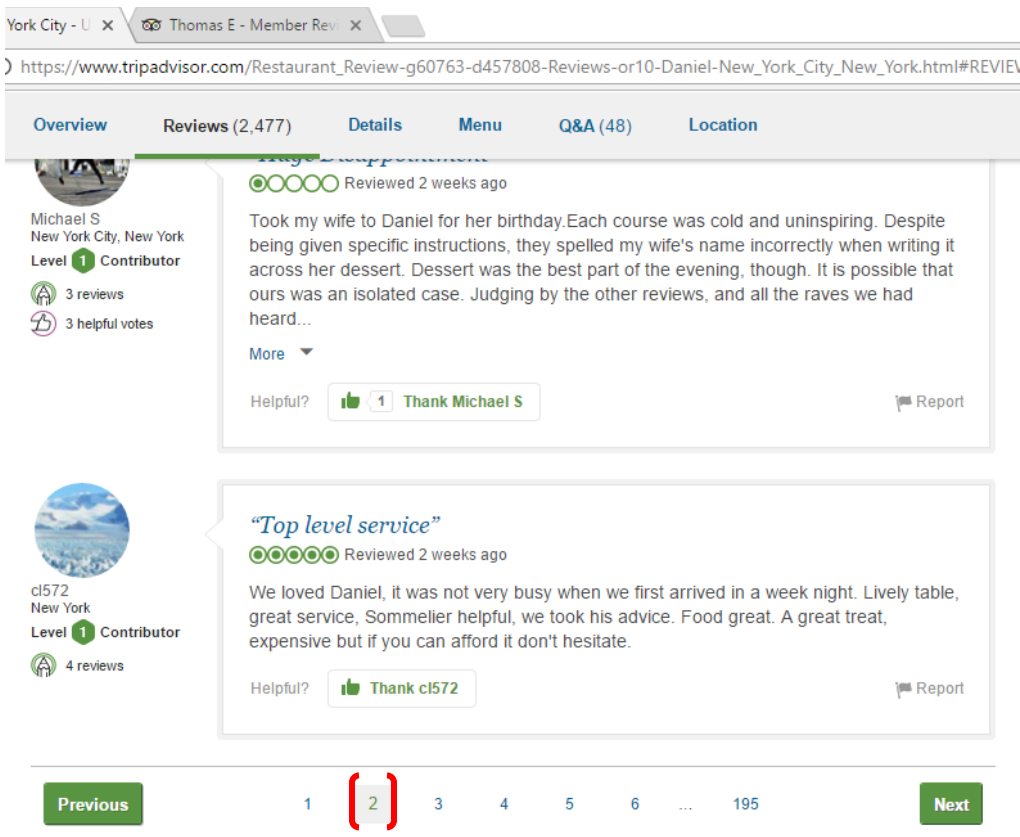
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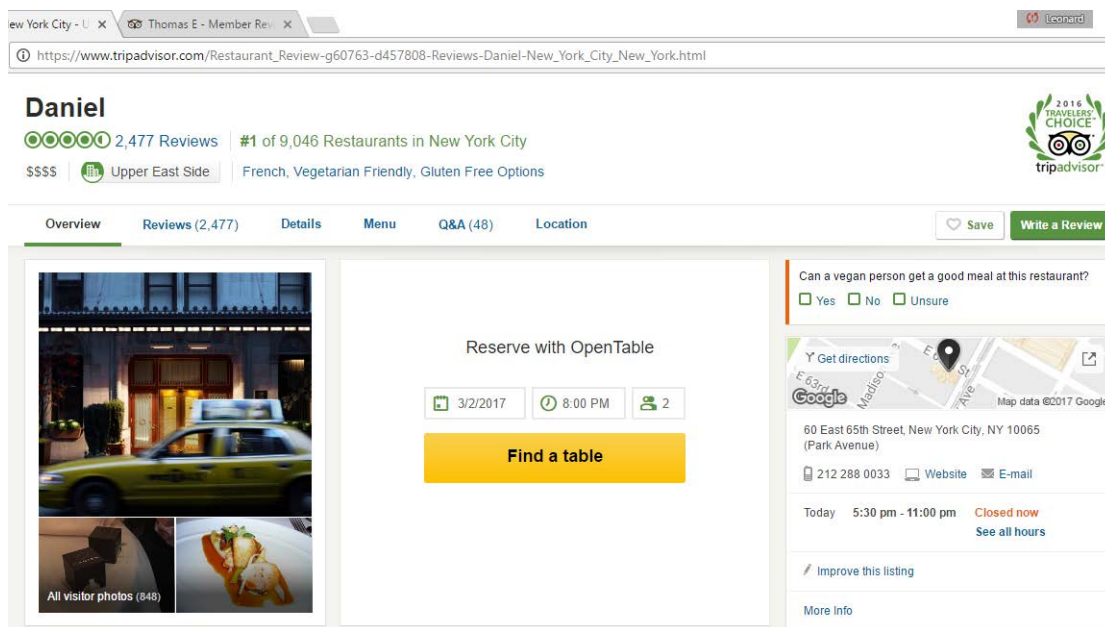
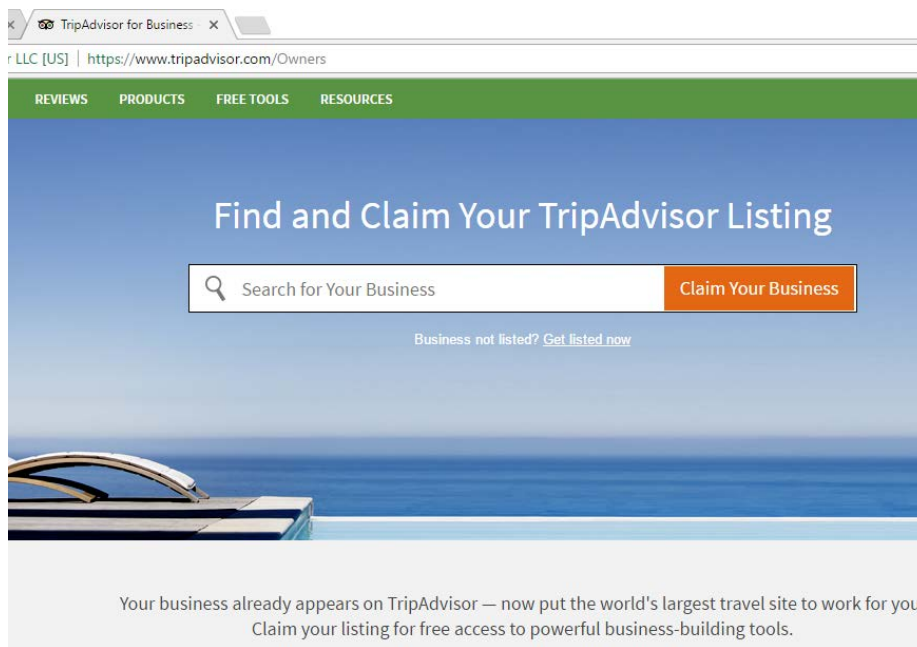
Helpful?

1
2
3
4
5
6
...
195

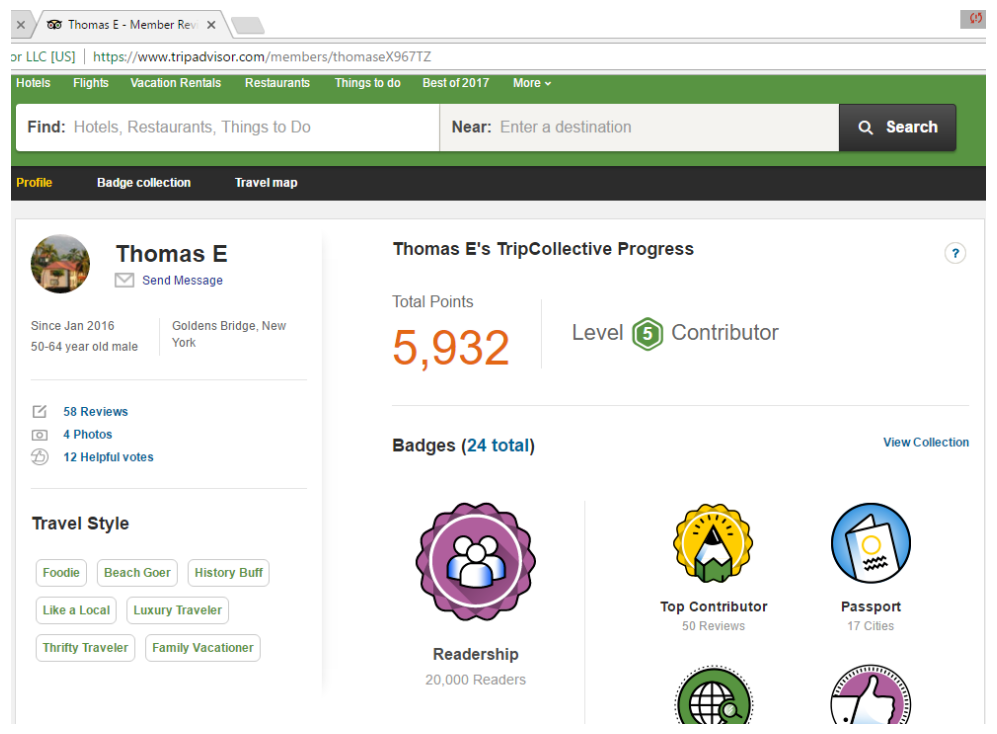
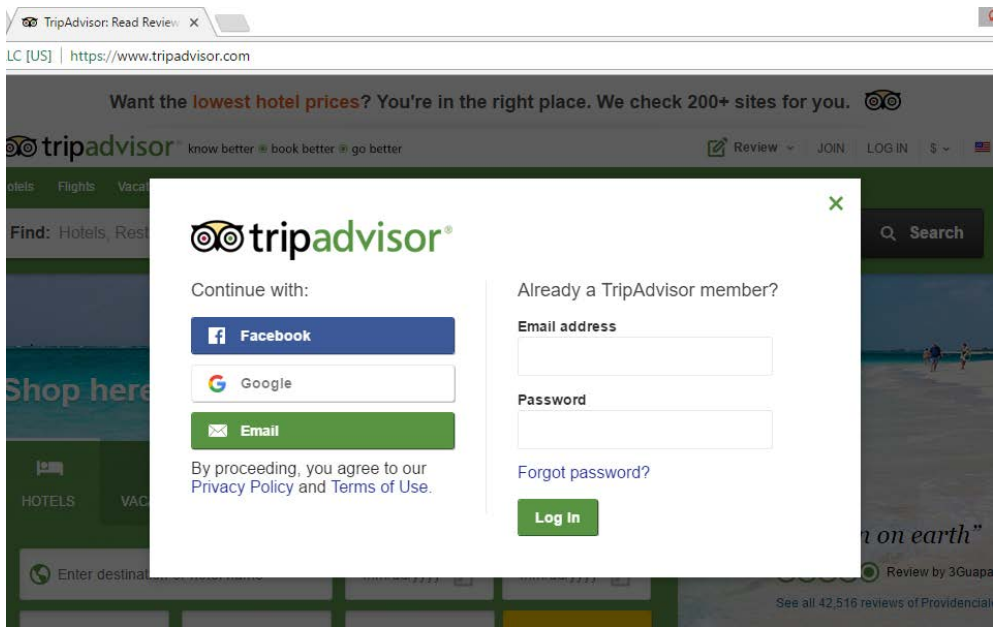


35. Claim 21 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the server system is further configured to perform generating, based upon input provided by the first entity, the first web page; and generating, based upon input provided by the second entity, the second web page.

36. The Infringing Instrumentalities infringe claim 21 of the '398 patent because, as demonstrated in paragraph 28, they meet the limitations of claim 17, and because, as demonstrated in the exemplary images below, and on information and belief, the server system of the Infringing Instrumentalities is further configured to perform generating, based upon input provided by the first entity, the first web page;

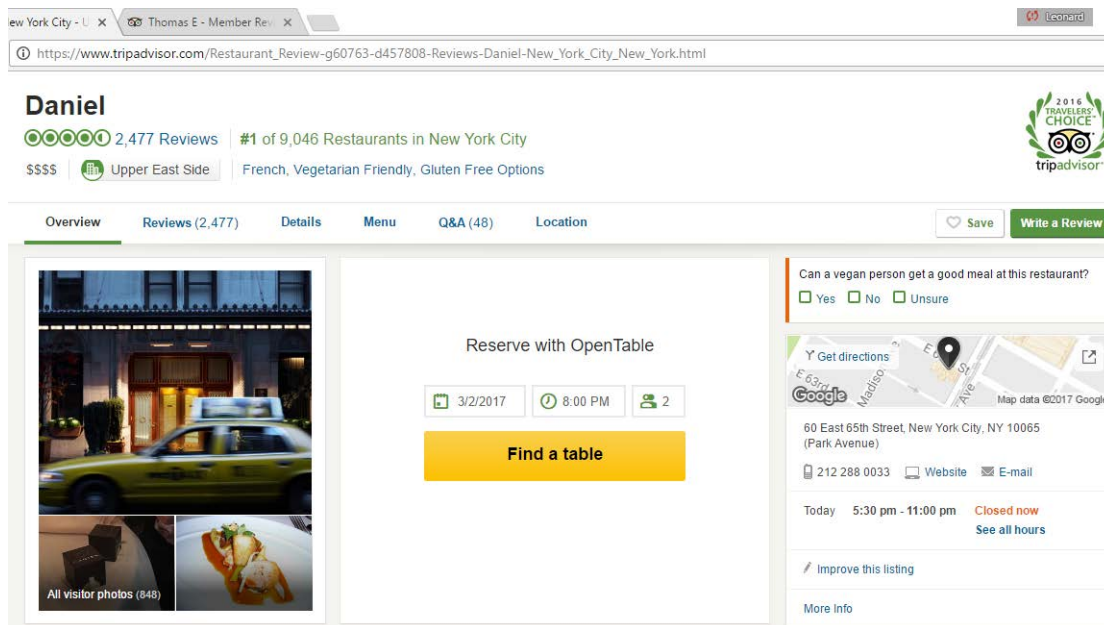
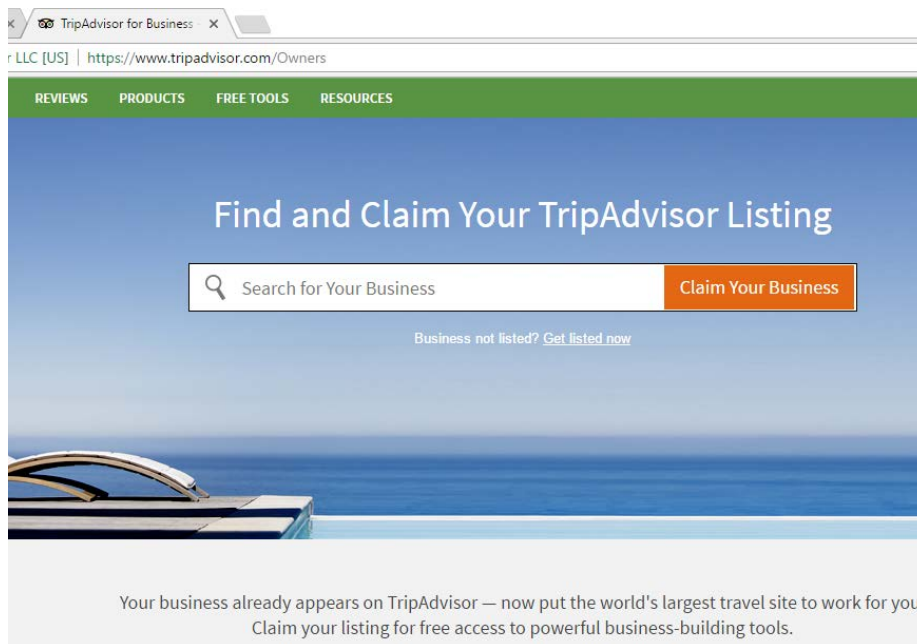


and generating, based upon input provided by the second entity, the second web page:

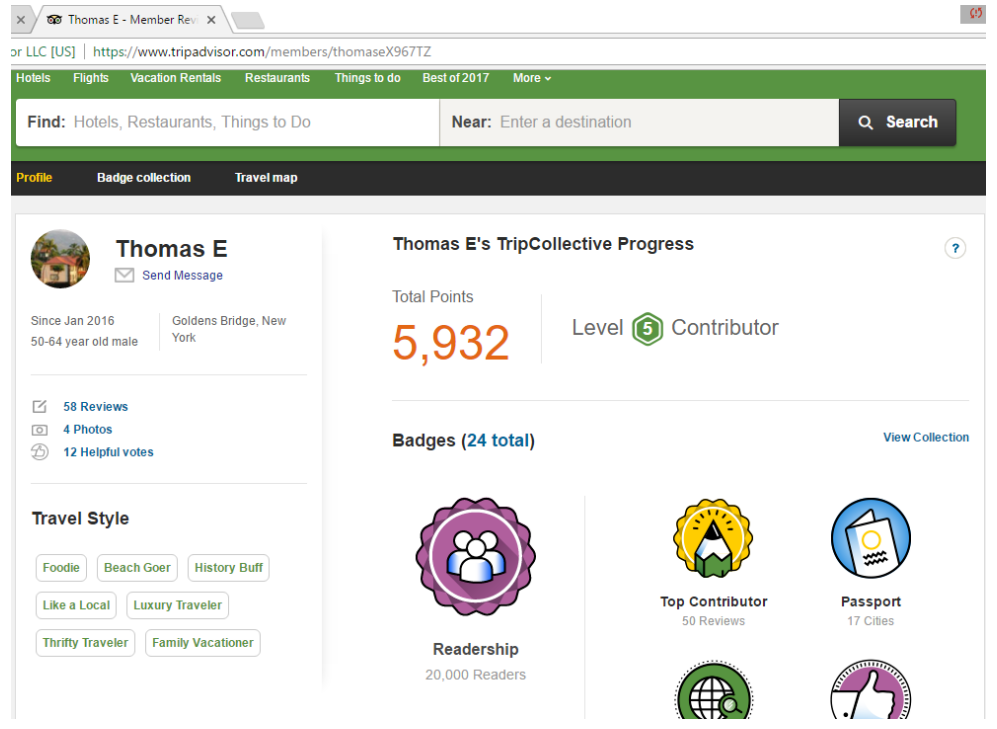
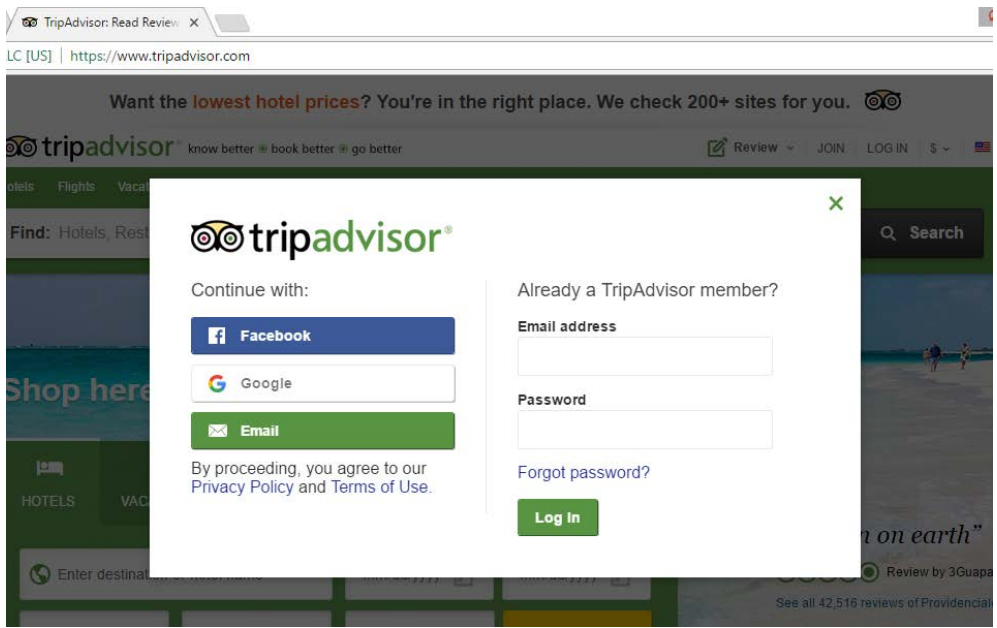


37. Claim 23 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the first entity is a first registered user of the webpage implementation system, and the second entity is a second registered user of the webpage implementation system.

38. The Infringing Instrumentalities infringe claim 23 of the '398 patent because, as demonstrated in paragraph 28, they meet the limitations of claim 17, and because, as demonstrated in the exemplary images below, and on information and belief, the first entity of the Infringing Instrumentalities is a first registered user of the webpage implementation system,



and the second entity is a second registered user of the webpage implementation system:



39. Plaintiff has been harmed by Defendants' infringing activities.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,335,713**

40. The allegations set forth in the foregoing paragraphs 1 through 39 are incorporated into this Second Claim for Relief.



41. On December 18, 2012, U.S. Patent No. 8,335,713 (“the ’713 patent”), entitled “Providing Reciprocal Links in Webpage Development System,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’713 patent is attached as Exhibit 2.

42. The inventions of the ’713 patent resolve technical problems related to a streamlined process for developing web pages and posting those web pages on the internet. For example, the inventions allow parties to establish reciprocal linking arrangements between multiple web pages using only a single web page implementation system, as opposed to prior art processes that required multiple systems to accomplish the same result.

43. The claims of the ’713 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’713 patent recite one or more inventive concepts that are rooted in computerized web design technology, and overcome problems specifically arising in the realm of computerized web design.

44. The claims of the ’713 patent recite an invention that is not merely the routine or conventional use of computer hardware systems or graphical user interfaces. Instead, the invention applies a streamlined method of employing these tools to establish a reciprocal linking arrangement between web pages with a single web page implementation system. The ’713 patent claims thus specify how to employ such a method to efficiently achieve the desired reciprocal linking arrangement.

45. The technology claimed in the ’713 patent does not preempt all ways of using computer hardware systems or graphical user interfaces to establish reciprocal linking arrangements between web pages, nor does it preempt the use of all reciprocal linking

arrangements between web pages, nor does it preempt any other well-known or prior art technology.

46. Accordingly, each claim of the '713 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

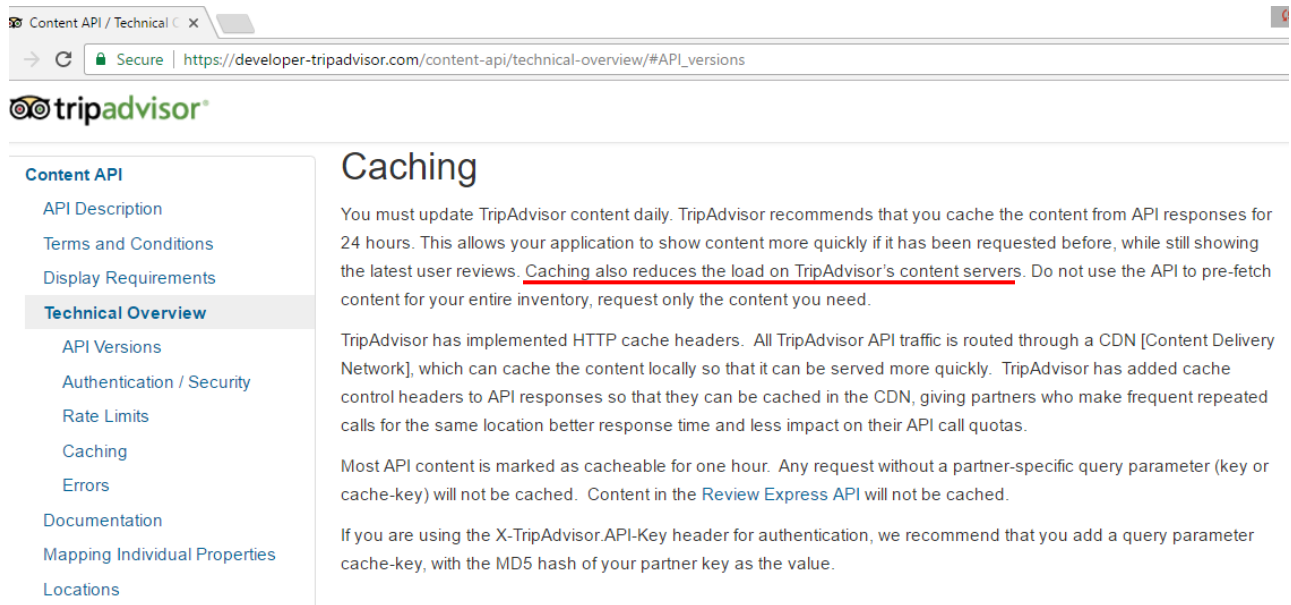
47. Plaintiff is the assignee and owner of the right, title and interest in and to the '713 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

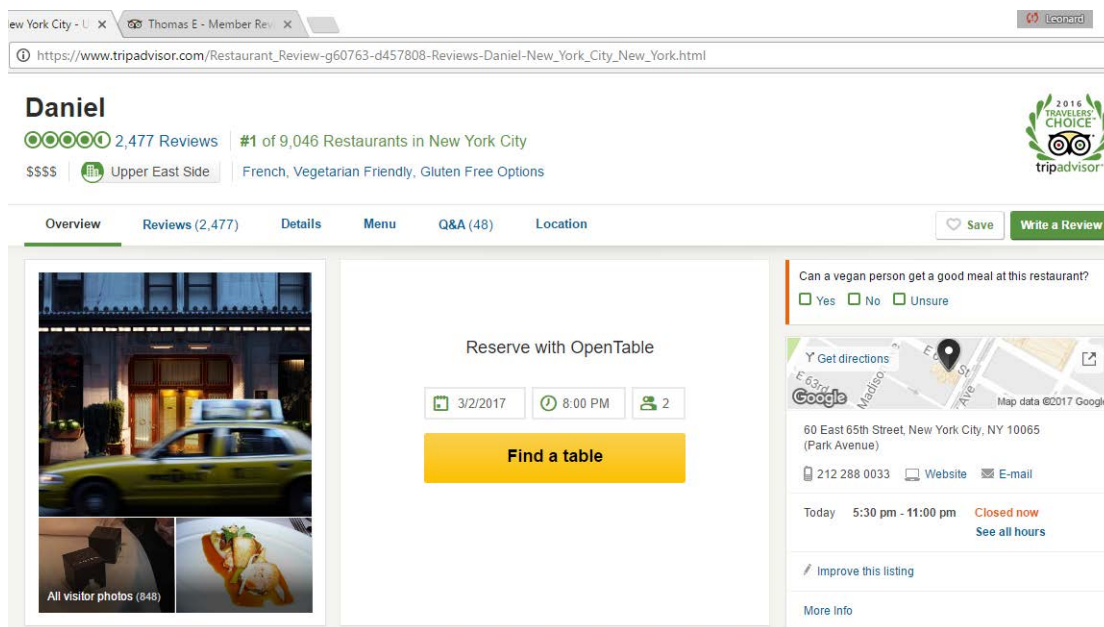
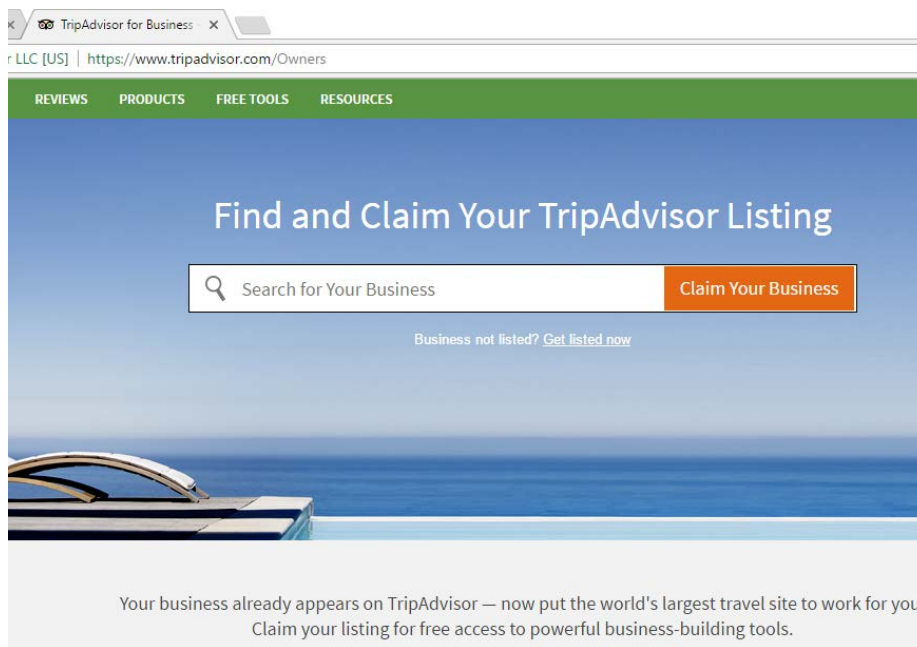
48. Upon information and belief, Defendant has and continues to directly infringe at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '713 patent by making, using, selling, importing and/or providing and causing to be used webpage implementation systems configured to establish reciprocal linking arrangements between web pages; such webpage implementation systems are within the scope of claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '713 patent, and include at least those systems employed by tripadvisor.com, jetsetter.com, oyster.com, thefork.com, viator.com, cruisecritic.com, smartertravel.com, seatguru.com, airfarewatchdog.com, flipkey.com, holidaylettings.com, vacationhomerentals.com, and familyvacationcritic.com (the "Infringing Instrumentalities").

49. Claim 1 of the '713 patent generally recites a method, within a computer hardware system, comprising: receiving, from a first user, a registration for a first website; receiving, from a second user, a registration for a second website; associating a second functional marketing element with the first user; associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and reciprocally inserting, within the second website, the second functional marketing element based

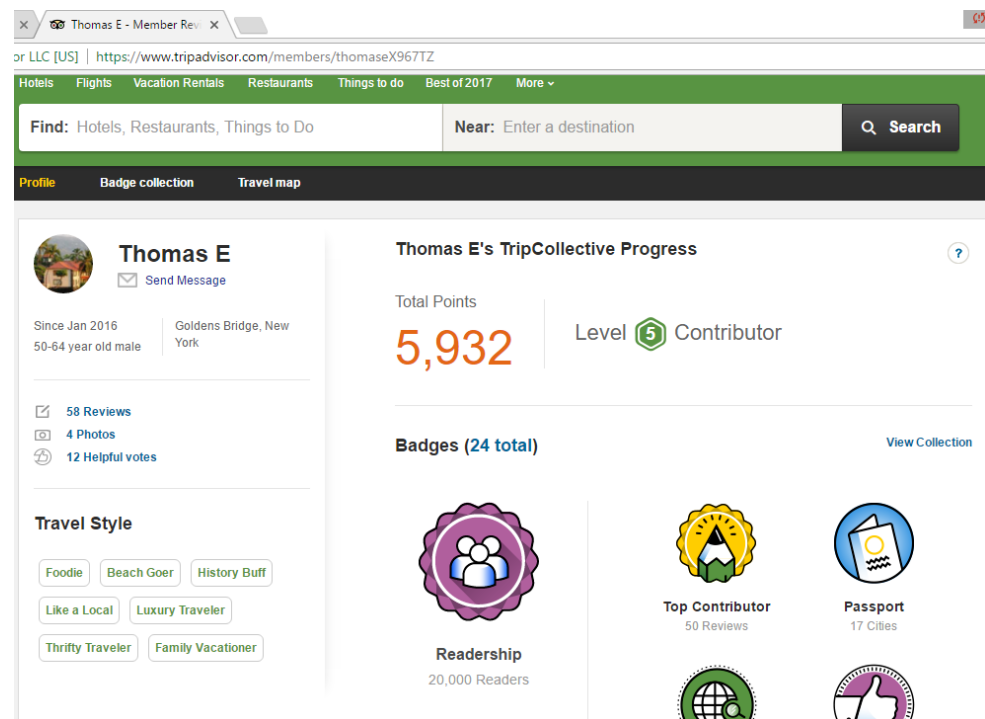
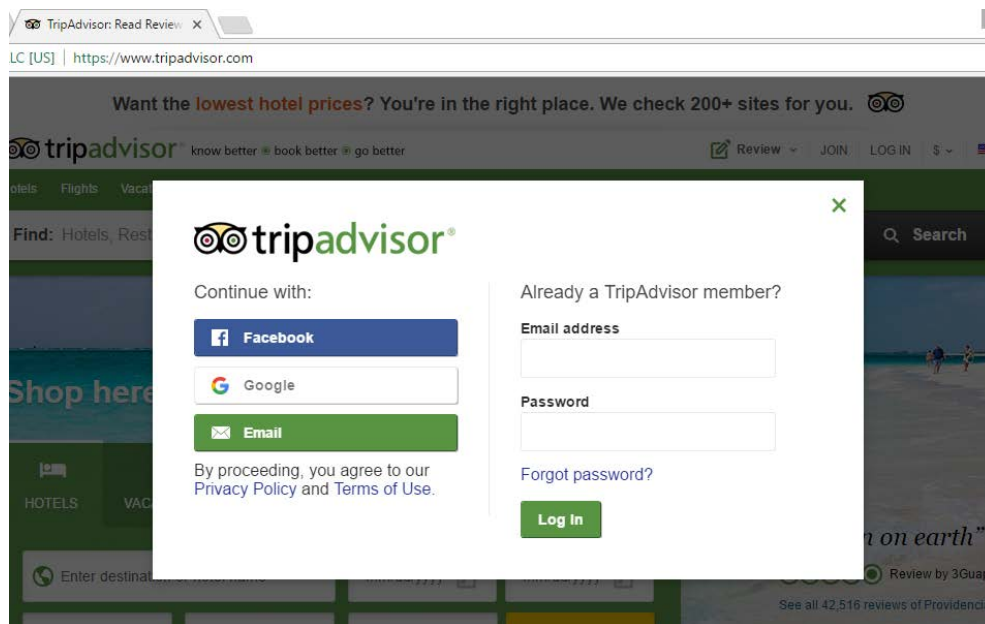
upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website.

50. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 1 of the '713 patent because they comprise a method, within a computer hardware system, comprising: receiving, from a first user, a registration for a first website;





receiving, from a second user, a registration for a second website;



associating a second functional marketing element with the first user;

Thomas E's TripCollective Progress

Total Points: 5,932

Level 5 Contributor

Badges (24 total)

- Readership: 20,000 Readers
- Top Contributor: 50 Reviews
- Passport: 17 Cities

Travel Style: Foodie, Beach Goer, History Buff, Like a Local, Luxury Traveler, Thrifty Traveler, Family Vacationer

Reviews (58) | Photos (4)

	Rating	Helpful Votes	Points
New York City: On Your Feet! "Great fun, go enjoy the music and s..." On your feet is playing in the Marriott theater wh... Feb 27, 2017	5/5		100
New York City: Penelope "Brunch Sunday" We visited early this past Sunday morning which is... Feb 27, 2017	5/5		100
New York City: Daniel "Just a Great Experience" We arrived at Daniels Saturday night, hungry and t... Feb 27, 2017	5/5	1	101
White Plains: Noda Japanese Steakhouse "Just what you expect nothing beyon.." My son love's japanese hibachi so we visit all the...	4/5		100

associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and

ew York City - U X Thomas E - Member Rev X Leonard

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

### Daniel

2,477 Reviews #1 of 9,046 Restaurants in New York City

SSSS Upper East Side French, Vegetarian Friendly, Gluten Free Options

2016 TRAVELERS' CHOICE tripadvisor

Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review

Can a vegan person get a good meal at this restaurant?  
 Yes  No  Unsure

Reserve with OpenTable

3/2/2017 8:00 PM 2

Find a table

Get directions  
60 East 65th Street, New York City, NY 10065 (Park Avenue)  
212 288 0033 Website E-mail

Today 5:30 pm - 11:00 pm Closed now See all hours

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https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html#REVIEWS

Overview Reviews (2,477) Details Menu Q&A (48) Location

**Thomas E**  
Goldens Bridge, New York  
Level 5 Contributor  
58 reviews  
37 restaurant reviews  
12 helpful votes

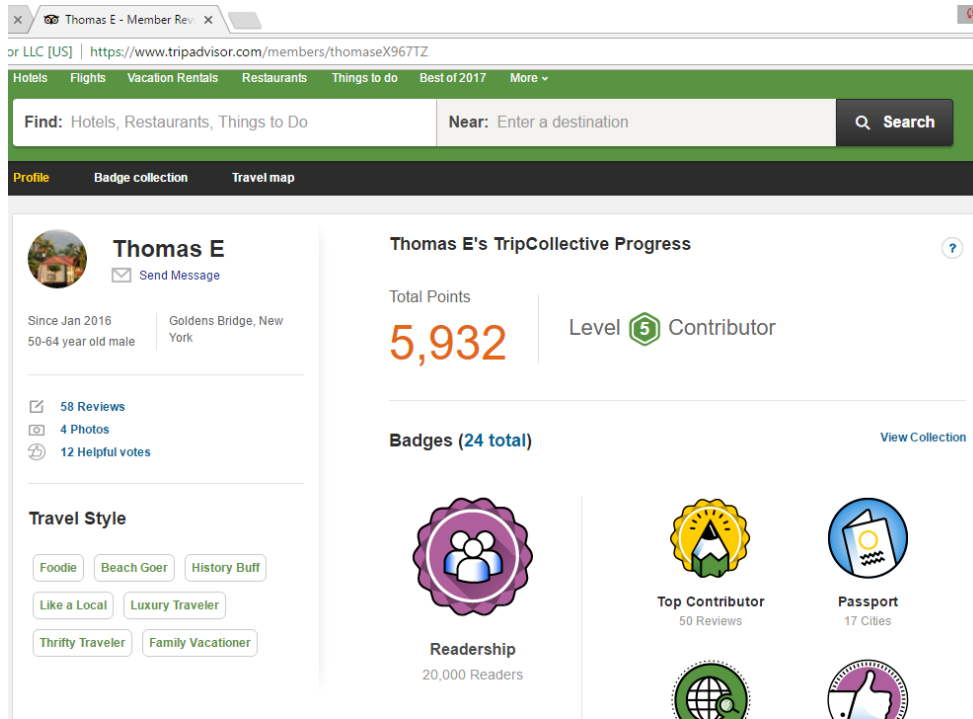
**“Just a Great Experience”** NEW  
Reviewed 2 days ago via mobile  
We arrived at Daniels Saturday night, hungry and thirsty. We left full and happy. We had the choice between the four course or seven course meals. We did the four course. First course we had seafood salad and lobster salad, both excellent. Second course we had the snapper, sea bass, and sweetbreads, again all excellent. Third course we had the...  
More  
Helpful? Thank Thomas E Report

**Kixon**  
Level 5 Contributor  
64 reviews  
47 restaurant reviews  
17 helpful votes

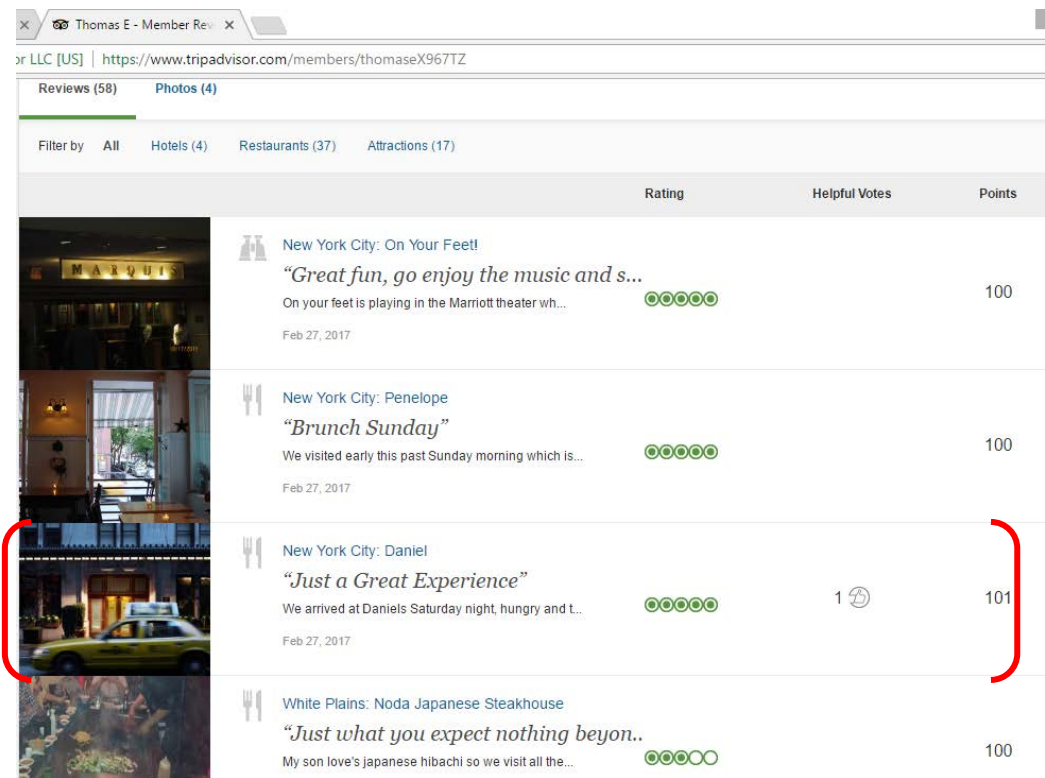
**“Almost too good, pitch perfect!”** NEW  
Reviewed 2 days ago via mobile  
Daniel is considered one of the best restaurants in NYC and for a good reason! They have impeccable service, a wonderful menu and high quality wines. It's almost too good! We had the four course tasting menu and came out super satisfied. The kitchen was very attentive to my pregnancy dietary restrictions. Especially memorable was the amuche bouche, beetroot in...  
More  
Helpful? Thank Kixon Report

reciprocally inserting, within the second website, the second functional marketing element based upon the first functional marketing element being inserted within the first website, wherein the

second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website:







51. Claim 2 of the '713 patent generally recites the method of claim 1, wherein the second functional marketing element includes an image.

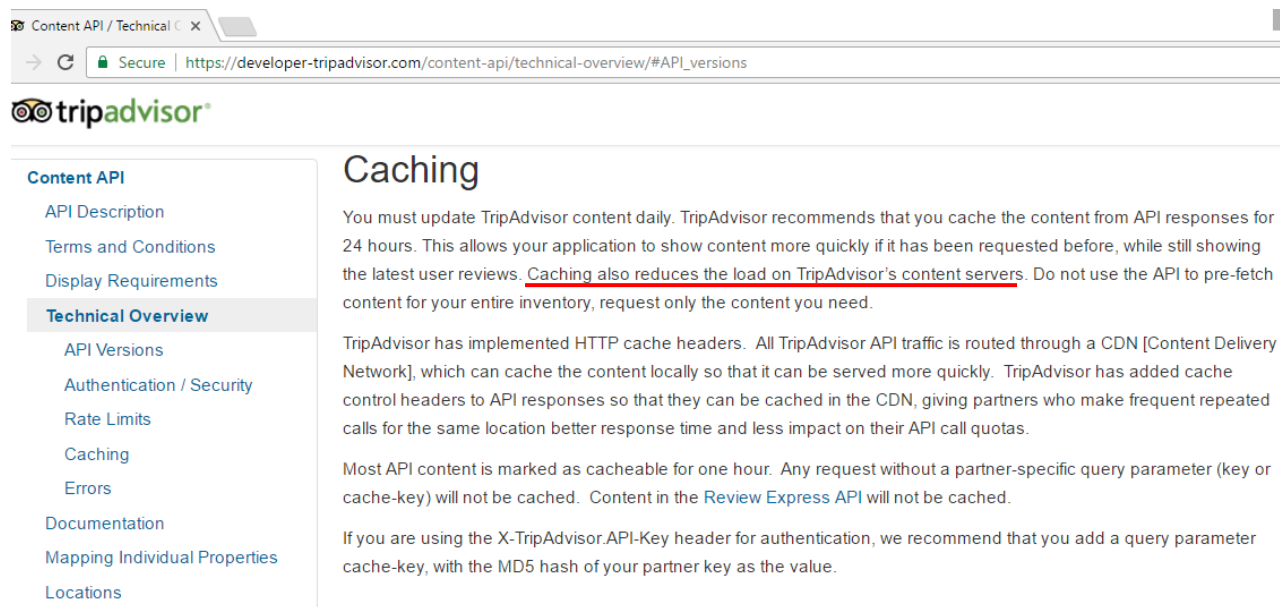
52. As demonstrated in paragraph 50, the Infringing Instrumentalities infringe claim 2 of the '713 patent because they meet the limitations of claim 1 and because the second functional marketing element of the Infringing Instrumentalities includes an image.

53. Claim 3 of the '713 patent generally recites the method of claim 2, further comprising receiving, from the first user, the image.

54. The Infringing Instrumentalities infringe claim 3 of the '713 patent because, as demonstrated in paragraph 52, they meet the limitations of claim 2, and because, as demonstrated in paragraph 50, the method of the Infringing Instrumentalities further comprises receiving, from the first user, the image.

55. Claim 4 of the '713 patent generally recites method of claim 1, wherein the computer hardware system is a server system.

56. The Infringing Instrumentalities infringe claim 4 of the '713 patent because, as demonstrated in paragraph 50, the Infringing Instrumentalities meet the limitations of claim 1, and because, as demonstrated in the exemplary images below and on information and belief, the computer hardware system is a server system:



57. Claim 5 of the '713 patent generally recites the method of claim 4, wherein the server system is a webpage implementation server system.

58. The Infringing Instrumentalities infringe claim 5 of the '713 patent because, as demonstrated in paragraph 56, they meet the limitations of claim 4 and the server system is a webpage implementation server system.

59. Claim 6 of the '713 patent generally recites method of claim 1, wherein the first website includes one or more web pages.

60. The Infringing Instrumentalities infringe claim 6 of the '713 patent because, as demonstrated in paragraph 50, they meet the limitations of claim 1, and as demonstrated in the

exemplary images below, the first website of the Infringing Instrumentalities includes one or more web pages:

new York City - U X Thomas E - Member Re X Leonard

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

### Daniel

2,477 Reviews #1 of 9,046 Restaurants in New York City

Upper East Side French, Vegetarian Friendly, Gluten Free Options

2016 TRAVELERS' CHOICE

Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review

Can a vegan person get a good meal at this restaurant?  
 Yes  No  Unsure

Reserve with OpenTable

3/2/2017 8:00 PM 2

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Get directions  
60 East 65th Street, New York City, NY 10065 (Park Avenue)  
212 288 0033 Website E-mail

Today 5:30 pm - 11:00 pm Closed now See all hours

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new York City - U X Thomas E - Member Rev X

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

Overview Reviews (2,477) Details Menu Q&A (48) Location

53 helpful votes

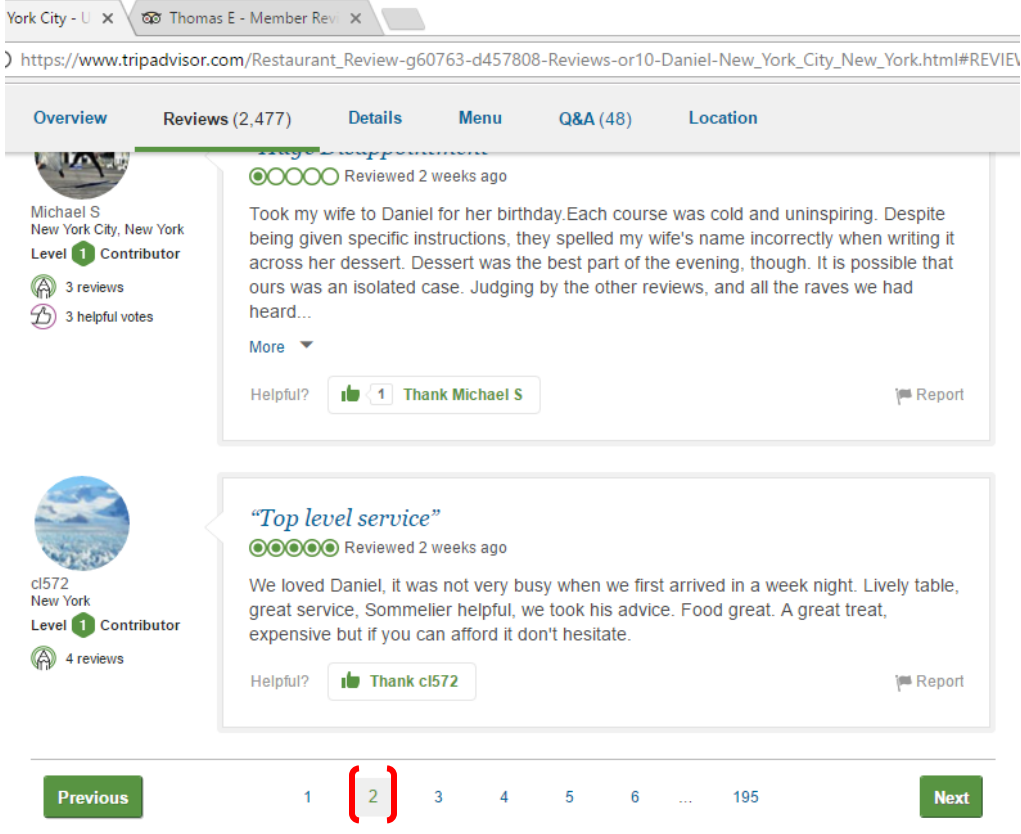
**"Wonderful Dining Experience"**  
Reviewed 1 week ago via mobile  
Amazing food with knowledgeable and friendly staff. Expensive but if you want to spoil yourself, this is the place. We had the 4 course fixe prix. Plenty of nice options. They added creative amuse bouche starters and closing tasty treats. Yum!

Helpful? Thank A TripAdvisor Member Report

**"A birthday treat"**  
Reviewed 2 weeks ago  
I have celebrated 2 birthdays at Daniel and both occasions were outstanding. The ambiance is beautiful and the food and the service are a 10 out of 10. This year I have a major birthday coming up and I hope to celebrate it at Daniel.

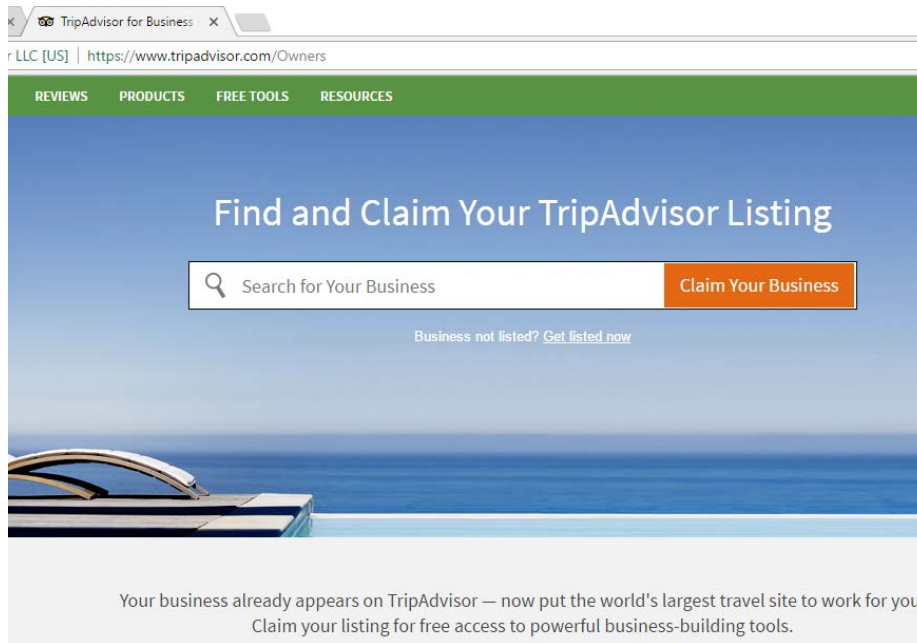
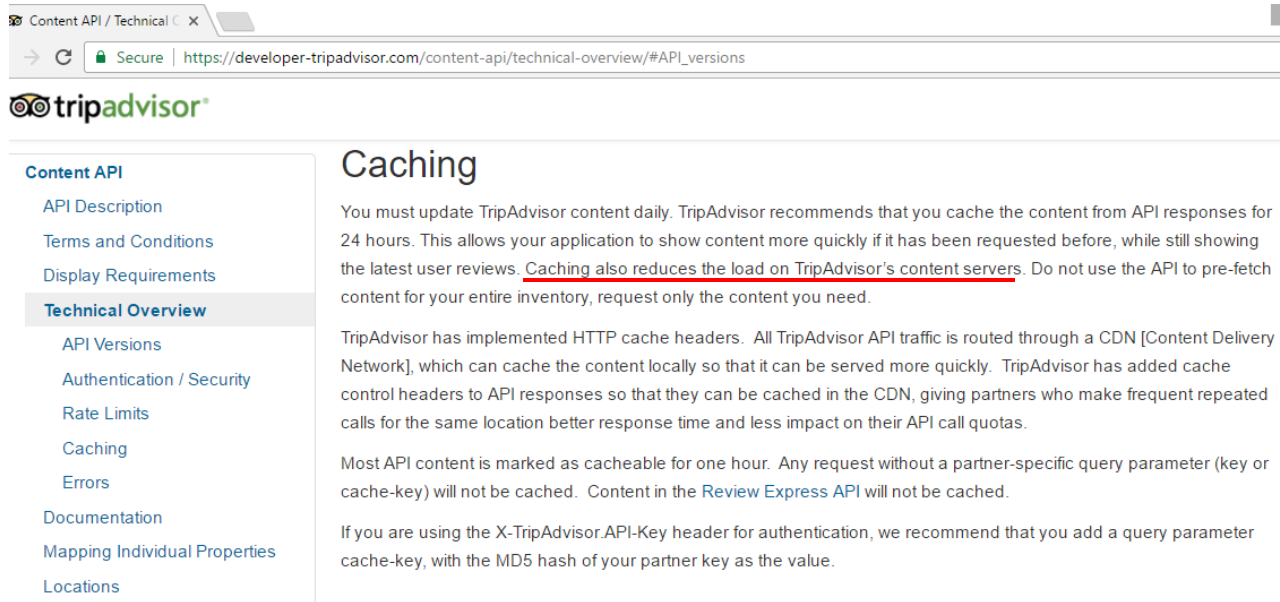
Helpful? Thank David S Report

Previous 1 2 3 4 5 6 ... 195 Next



61. Claim 8 of the '713 patent generally recites a webpage implementation server system, comprising: a computer hardware system configured to perform: receiving, from a first user, a registration for a first website; receiving, from a second user, a registration for a second website; associating a second functional marketing element with the first user; associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and reciprocally inserting, within the second website, the second functional marketing element based upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website.

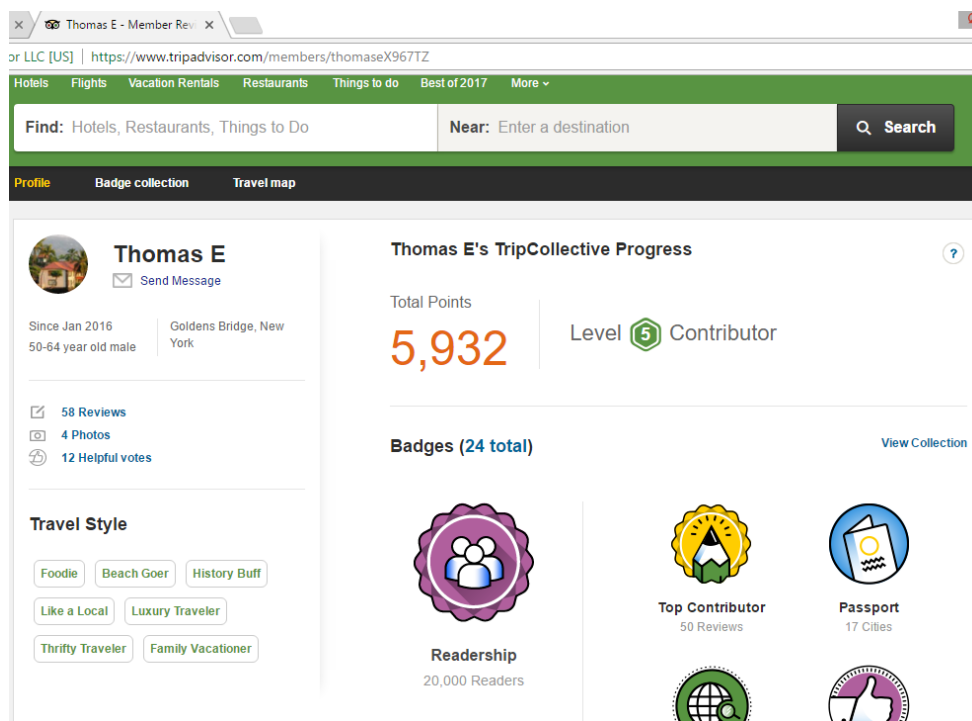
62. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 8 of the '713 patent because they include a webpage implementation server system, comprising: a computer hardware system configured to perform: receiving, from a first user, a registration for a first website;



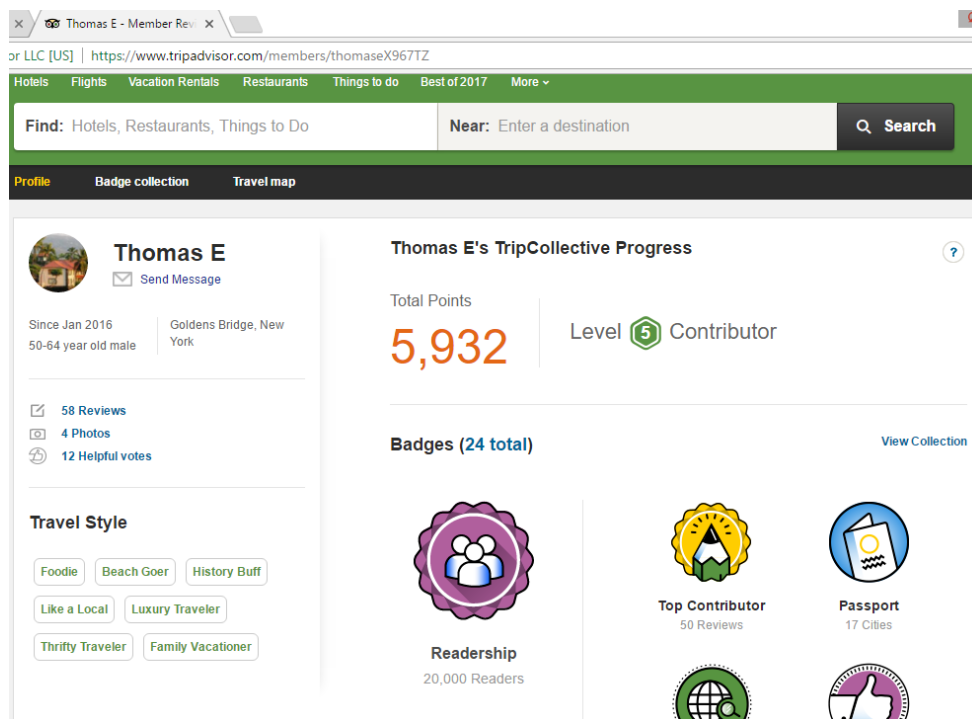
The screenshot shows a web browser window with the URL [https://www.tripadvisor.com/Restaurant\\_Review-g60763-d457808-Reviews-Daniel-New\\_York\\_City\\_New\\_York.html](https://www.tripadvisor.com/Restaurant_Review-g60763-d457808-Reviews-Daniel-New_York_City_New_York.html). The page title is "Daniel". It features a 5-star rating (5 green circles) and "2,477 Reviews". A badge indicates it is "#1 of 9,046 Restaurants in New York City". The location is "Upper East Side" and the cuisine is "French, Vegetarian Friendly, Gluten Free Options". A "2016 TRAVELERS' CHOICE" award badge is visible. The navigation bar includes "Overview", "Reviews (2,477)", "Details", "Menu", "Q&A (48)", and "Location". A "Save" button and a "Write a Review" button are also present. The main content area is divided into three sections: 1) A photo gallery on the left showing a yellow taxi and a dish, with a caption "All visitor photos (848)". 2) A central "Reserve with OpenTable" section with a date selector set to "3/2/2017", a time selector set to "8:00 PM", and a party size selector set to "2", followed by a prominent yellow "Find a table" button. 3) A right-hand sidebar containing a survey question "Can a vegan person get a good meal at this restaurant?" with "Yes", "No", and "Unsure" options; a "Get directions" map showing the location at "60 East 65th Street, New York City, NY 10065 (Park Avenue)"; contact information including phone number "212 288 0033", website, and email; and operating hours "Today 5:30 pm - 11:00 pm" with a "Closed now" status and a "See all hours" link.

receiving, from a second user, a registration for a second website;

The screenshot shows a web browser window with the URL <https://www.tripadvisor.com>. A modal window is overlaid on the page, titled "tripadvisor". It offers three options to "Continue with": "Facebook", "Google", and "Email". Below these options, it states "By proceeding, you agree to our Privacy Policy and Terms of Use." To the right of the modal, there is a section for "Already a TripAdvisor member?" with input fields for "Email address" and "Password", a "Forgot password?" link, and a "Log In" button. The background of the page is dimmed, showing the TripAdvisor homepage with a search bar and navigation links.



associating a second functional marketing element with the first user;



Thomas E - Member Review

Reviews (58) Photos (4)

Filter by All Hotels (4) Restaurants (37) Attractions (17)

	Rating	Helpful Votes	Points
New York City: On Your Feet! "Great fun, go enjoy the music and s..." On your feet is playing in the Marriott theater wh... Feb 27, 2017	5/5		100
New York City: Penelope "Brunch Sunday" We visited early this past Sunday morning which is... Feb 27, 2017	5/5		100
New York City: Daniel "Just a Great Experience" We arrived at Daniels Saturday night, hungry and t... Feb 27, 2017	5/5	1	101
White Plains: Noda Japanese Steakhouse "Just what you expect nothing beyon..." My son love's japanese hibachi so we visit all the...	4/5		100

associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and

new York City - U | Thomas E - Member Review | Leonard

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

### Daniel

4.5/5 2,477 Reviews | #1 of 9,046 Restaurants in New York City

\$\$\$\$ Upper East Side | French, Vegetarian Friendly, Gluten Free Options

2016 TRAVELERS CHOICE

Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review

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3/2/2017 8:00 PM 2

**Find a table**

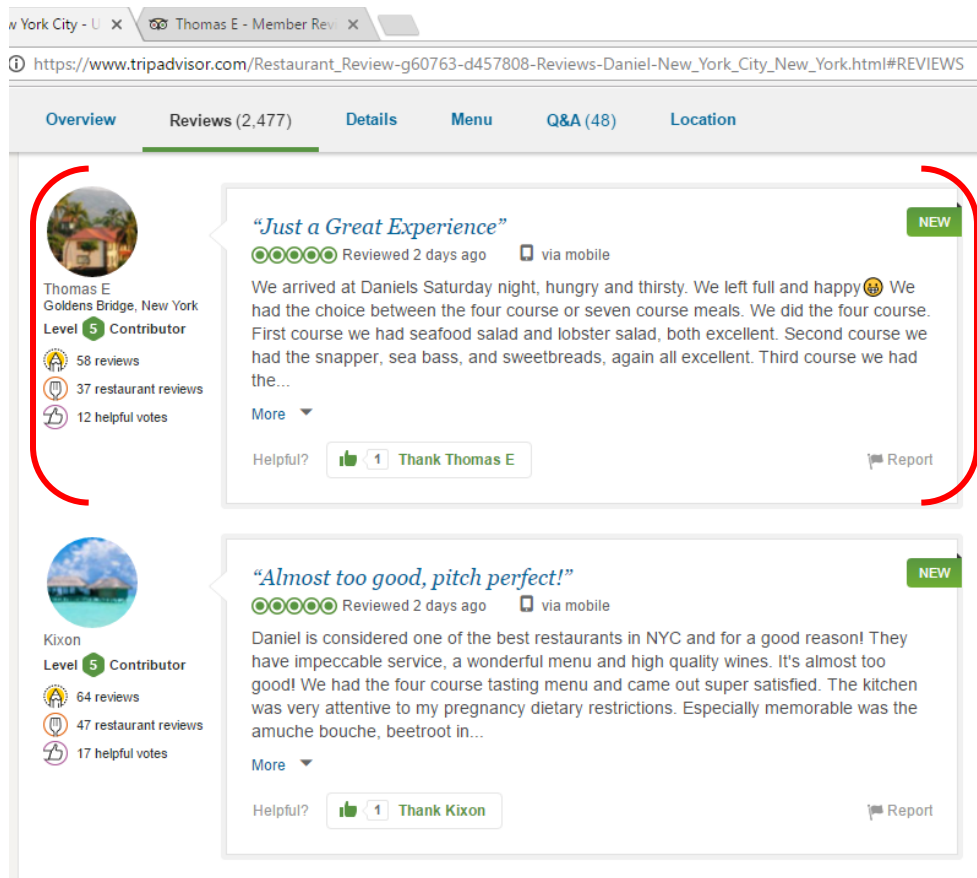
Can a vegan person get a good meal at this restaurant?  
 Yes  No  Unsure

Get directions  
 60 East 65th Street, New York City, NY 10065 (Park Avenue)  
 212 288 0033 Website E-mail

Today 5:30 pm - 11:00 pm Closed now  
[See all hours](#)

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reciprocally inserting, within the second website, the second functional marketing element based upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website:

Thomas E - Member Review

or LLC [US] | https://www.tripadvisor.com/members/thomaseX967TZ

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Profile Badge collection Travel map

**Thomas E**  
 Send Message

Since Jan 2016 | Goldens Bridge, New York  
 50-64 year old male

58 Reviews  
 4 Photos  
 12 Helpful votes

**Thomas E's TripCollective Progress**

Total Points  
**5,932**

Level 5 Contributor

**Badges (24 total)** View Collection

**Readership**  
 20,000 Readers

**Top Contributor**  
 50 Reviews

**Passport**  
 17 Cities

**Travel Style**

Foodie Beach Goer History Buff  
 Like a Local Luxury Traveler  
 Thrifty Traveler Family Vacationer

---

Reviews (58) Photos (4)

Filter by All Hotels (4) Restaurants (37) Attractions (17)

	Rating	Helpful Votes	Points
New York City: On Your Feet! "Great fun, go enjoy the music and s..." On your feet is playing in the Marriott theater wh... Feb 27, 2017	5/5		100
New York City: Penelope "Brunch Sunday" We visited early this past Sunday morning which is... Feb 27, 2017	5/5		100
New York City: Daniel "Just a Great Experience" We arrived at Daniels Saturday night, hungry and t... Feb 27, 2017	5/5	1	101
White Plains: Noda Japanese Steakhouse "Just what you expect nothing beyon.." My son love's japanese hibachi so we visit all the...	4/5		100

63. Claim 9 of the '713 patent generally recites the server system of claim 8, wherein the second functional marketing element includes an image.

64. As demonstrated in paragraph 62, the Infringing Instrumentalities infringe claim 9 of the '713 patent because they meet the limitations of claim 8 and the second functional marketing element within the Infringing Instrumentalities includes an image.

65. Claim 10 of the '713 patent generally recites the server system of claim 9, wherein the computer hardware system is further configured to perform receiving, from the first user, the image.

66. The Infringing Instrumentalities infringe claim 10 of the '713 patent because, as demonstrated in paragraph 64, they meet the limitations of claim 9, and because, as demonstrated in paragraph 62, the Infringing Instrumentalities comprise a computer hardware system that is further configured to perform receiving, from the first user, the image.

67. Claim 11 of the '713 patent generally recites the server system of claim 8, wherein the first website includes one or more web pages.

68. The Infringing Instrumentalities infringe claim 11 of the '713 patent because, as demonstrated in paragraph 62, they meet the limitations of claim 8, and because, as demonstrated in the exemplary images below, the first web page of the Infringing Instrumentalities includes one or more web pages:


ew York City - U X Thomas E - Member Rev X Leonard

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html



## Daniel

2,477 Reviews #1 of 9,046 Restaurants in New York City

SSSS Upper East Side French, Vegetarian Friendly, Gluten Free Options



Overview Reviews (2,477) Details Menu Q&A (48) Location Save Write a Review

All visitor photos (848)


Reserve with OpenTable

3/2/2017 8:00 PM 2

[Find a table](#)

Can a vegan person get a good meal at this restaurant?

Yes  No  Unsure



60 East 65th Street, New York City, NY 10065 (Park Avenue)

212 288 0033 Website E-mail

Today 5:30 pm - 11:00 pm **Closed now**  
[See all hours](#)

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More info

ew York City - U X Thomas E - Member Rev X

https://www.tripadvisor.com/Restaurant\_Review-g60763-d457808-Reviews-Daniel-New\_York\_City\_New\_York.html

Overview **Reviews (2,477)** Details Menu Q&A (48) Location

53 helpful votes




A TripAdvisor Member

**“Wonderful Dining Experience”**

5 stars Reviewed 1 week ago via mobile

Amazing food with knowledgeable and friendly staff. Expensive but if you want to spoil yourself, this is the place. We had the 4 course fixe prix. Plenty of nice options. They added creative amuse bouche starters and closing tasty treats. Yum!

Helpful? [Thank A TripAdvisor Member](#) Report



David S  
St Catharines  
Level 3 Contributor

- 11 reviews
- 7 restaurant reviews
- 2 helpful votes

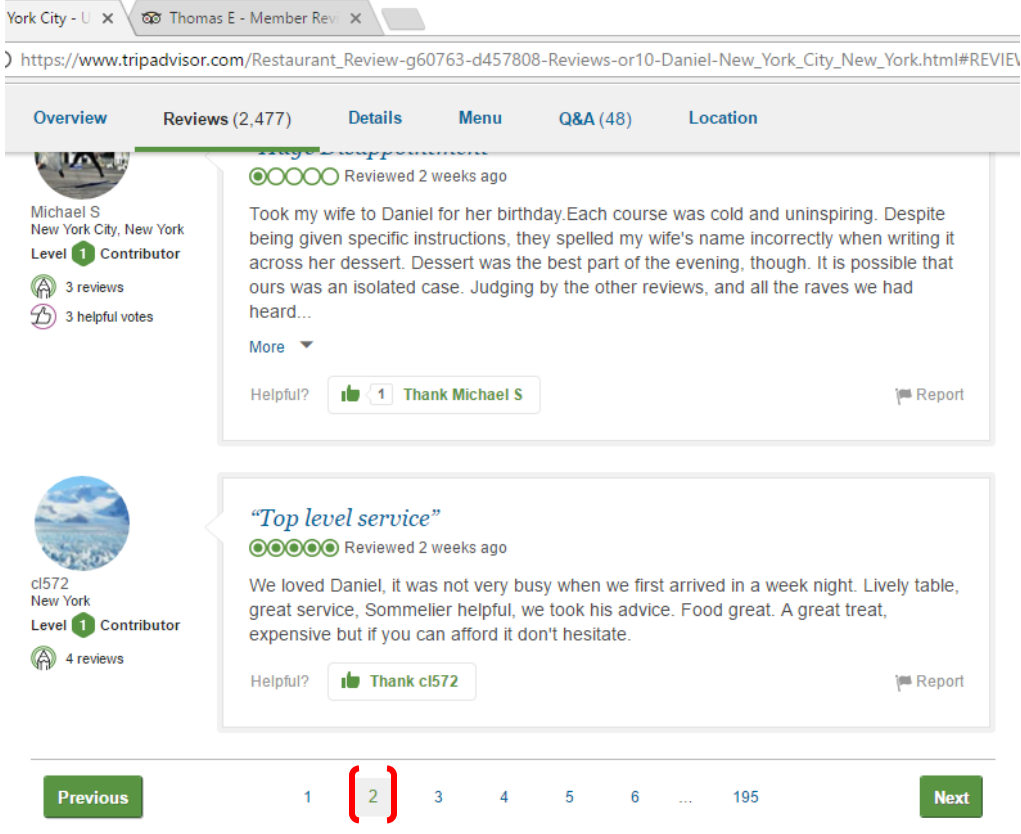
**“A birthday treat”**

5 stars Reviewed 2 weeks ago

I have celebrated 2 birthdays at Daniel and both occasions were outstanding. The ambience is beautiful and the food and the service are a 10 out of 10. This year I have a major birthday coming up and I hope to celebrate it at Daniel.

Helpful? [Thank David S](#) Report

Previous 1 2 3 4 5 6 ... 195 [Next](#)



69. Plaintiff has been harmed by Defendants’ infringing activities.

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendant has infringed the ’398 patent and the ’713 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendants’ past infringement of the ’398 patent and the ’713 patent, 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 Plaintiff's reasonable attorneys' fees; and

D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: March 10, 2017

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

Timothy Devlin (#4241)

tdevlin@devlinlawfirm.com

1306 N. Broom St., 1<sup>st</sup> Floor

Wilmington, Delaware 19806

Telephone: (302) 449-9010

Facsimile: (302) 353-4251

*Attorneys for Plaintiff*

*DISTEFANO PATENT TRUST III, LLC*