

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

SEARCH AND SOCIAL MEDIA  
PARTNERS, LLC,

Plaintiffs

v.

FACEBOOK, INC.;  
INSTAGRAM, INC.; and  
INSTAGRAM LLC.

Defendants.

C.A. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff SEARCH AND SOCIAL MEDIA PARTNERS, LLC, (“SSMP”) brings this action against defendant FACEBOOK, INC. (“FACEBOOK”), INSTAGRAM, INC. and INSTAGRAM, LLC (INSTAGRAM, INC. and INSTAGRAM, LLC collectively (“INSTAGRAM”), and hereby alleges as follows:

**THE PARTIES**

1. SSMP is a limited liability company organized and existing under the laws of Delaware, having a place of business in Murfreesboro, TN. SSMP is the owner of a family of patents relating to social media networks including U.S. Patent Nos. 8,620,828 (the “’828 Patent”) and 8,719,176 (the “’176 Patent,” collectively the “Asserted Patents.”)

2. Upon information and belief, FACEBOOK is a Delaware corporation, having its corporate headquarters in Menlo Park, California. FACEBOOK provides social networking services through its website, www.facebook.com and m.facebook.com (the “Facebook Website”) and its mobile applications or apps available for several mobile platforms including iOS, Windows Phone, and Android (the “Facebook Apps”). FACEBOOK may be served with

process via its registered agent, the Corporation Services Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

3. Upon information and belief, INSTAGRAM, INC. is a Delaware corporation with its principle place of business in Menlo Park, California. INSTAGRAM, INC. may be served with process via its registered agent, Incorporating Services, Ltd., 3500 South DuPont Highway, Dover, Delaware 19901.

4. Upon information and belief, INSTAGRAM, LLC is a Delaware limited liability company with its principle place of business in Menlo Park, California. INSTAGRAM, LLC provides photo and video sharing services through its website, [www.instagram.com](http://www.instagram.com) (the “Instagram Website”) and its mobile applications or apps also available for iOS, Windows Phone, and Android mobile platforms (the “Instagram App”). INSTAGRAM, LLC may be served with process via its registered agent, the Corporation Services Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

5. Upon information and belief, INSTAGRAM, INC. owns and controls INSTAGRAM, LLC.

6. Upon information and belief, INSTAGRAM, INC. is a wholly owned subsidiary of FACEBOOK.

#### **JURISDICTION AND VENUE**

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.* This Court therefore has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Defendants FACEBOOK and INSTAGRAM at least because Defendants are formed or incorporated under the laws of the State of Delaware.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).

## **FACTS COMMON TO ALL COUNTS**

### *The Asserted Patents*

10. On December 31, 2013, the '828 Patent entitled "Social Networking System, Method and Device," a copy of which is attached hereto as *Exhibit A*, was duly and legally issued by the United States Patent and Trademark Office to Shelton E. Harrison, Jr. as the sole inventor.

11. On May 6, 2014, the '176 Patent entitled "Social News Gathering, Prioritizing, Tagging, Searching and Syndication," a copy of which is attached hereto as *Exhibit B*, was also duly and legally issued by the United States Patent and Trademark Office to Mr. Harrison as the sole inventor. The '828 Patent is a continuation of the '176 Patent.

12. The '828 and '176 Patents were assigned to and are solely owned by SSMP.

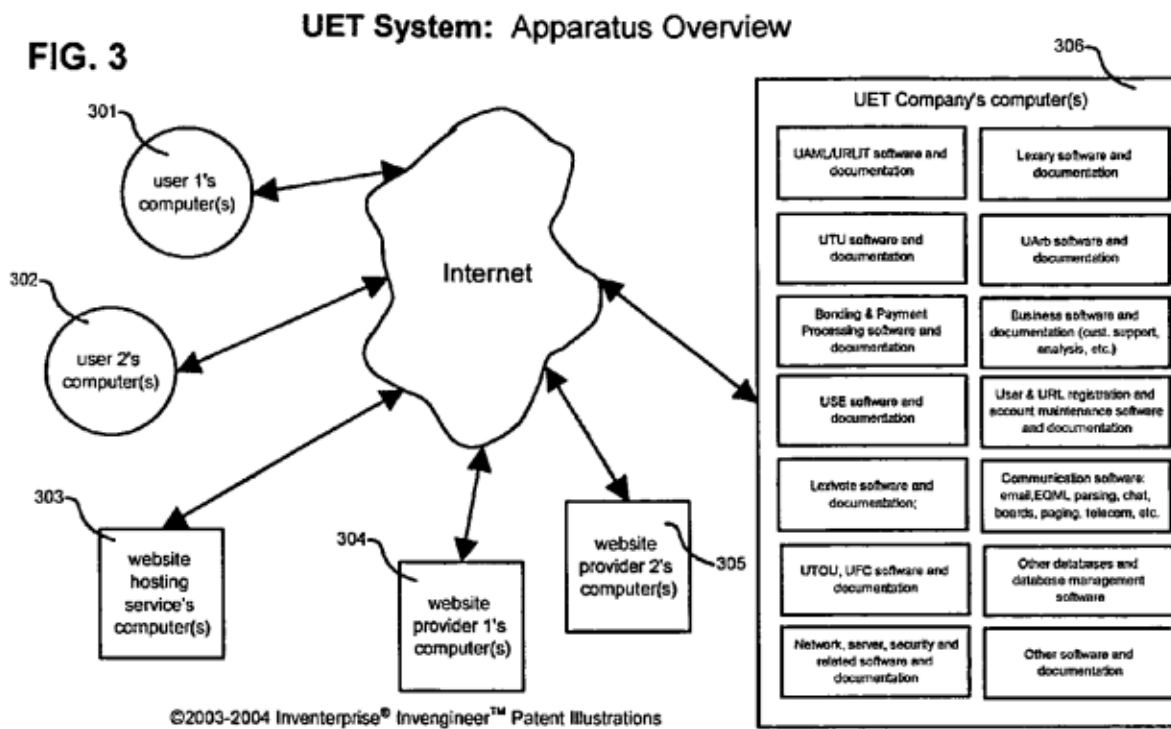
13. The '828 and '176 Patents identify and set out to solve several problems that arose out of and were unique to information services made available on the Internet and World Wide Web ("WWW"), including several technical factors that, at the time the inventions claimed in the Asserted Patents were invented, placed severe limits on the usefulness of, for example, search engines services. ('176 Patent 1:45-55.) For instance, search engines could use a citation ranking method to search an index of Web pages to provide "a customized list of websites or Web-accessible documents in response to an [user] inquiry." (*Id.* 1:49-53; 4:60-65.) This

generally involved ranking pages based on “the number and nature of other Web pages that link to a given page.” (*Id.* 4:60-65.) This method for ranking search results, however, did not account for the context of the citations, *e.g.*, whether the citing reference is positive or negative. (*Id.* 4:65-67.) In this regard, negative references counted as much as positive references to an article, which may have resulted in the search engine returning results with links to undesirable content. (*Id.* 5:1-3.)

14. Another problem identified by the '828 and '176 Patents was the lack of contextual information for searching Web pages, for example, because of the inherent simplicity of HTML (Hyper Text Mark-up Language). (*Id.* 4:35-53.) Although elaborate content analysis engines had been developed to determine the context of Web pages, their findings were “highly uncertain approximations” at best. (*Id.*) Search results returned by search engines relying on such approximations returned “results that are highly variable in terms of relevancy.” (*Id.*)

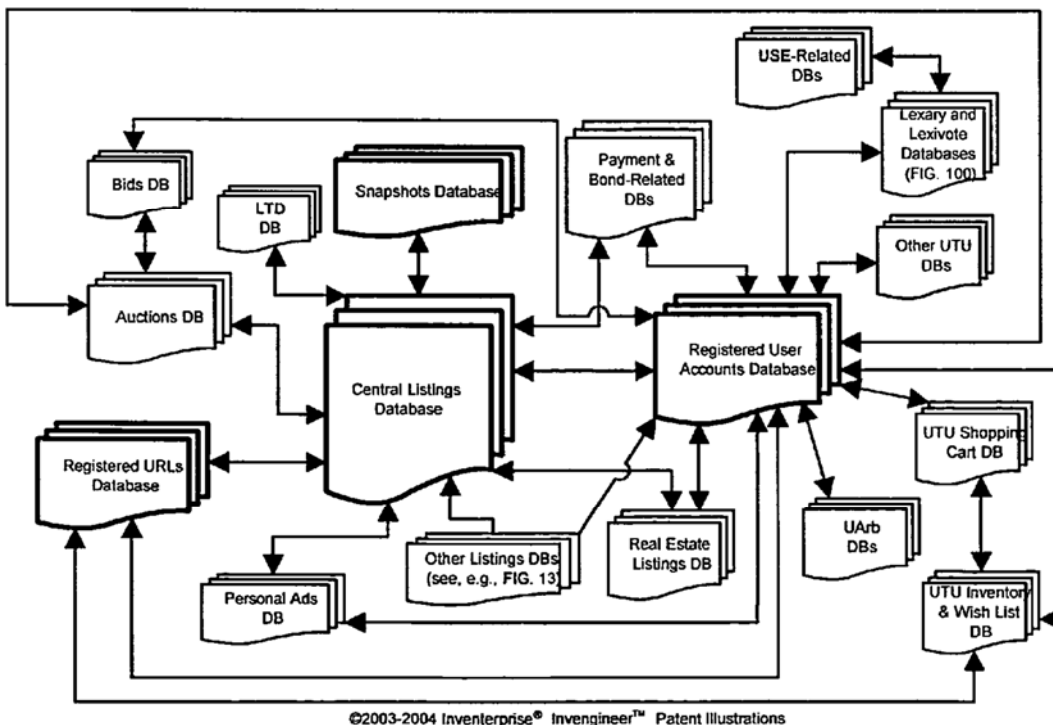
15. The Asserted Patents further identify a need for a methodology for “constructing and parsing a web page so that the exact meaning and content thereof can be ... reliably ascertained and so that a group of web pages can be searched with [improved] granularity.” (*Id.* 4:54-58.)

16. The '828 and '176 Patents provide technical solutions to overcome these as well as several other technical problems arising out of and that are unique to computer networks, especially information distribution over the Internet. These patents propose, for example, a modular arrangement of software systems and relational databases that enable the improvements discussed therein to the technology underlying computer networks. (*Id.* 13:28-42; Figs. 2-3 and 100.) The '828 and '176 Patents specifically contemplate improvements regarding the functioning of networked computers by, *inter alia*, eliminating certain inefficiencies that were considered inherent to the WWW. (*Id.*)



17. Fig. 3 of the '828 and '176 Patents, reproduced above, depicts a particular networked computer system (referred to as a Universal Electronic Transaction (“UET”) System), which includes a service provider computer (referred to as a UET Company’s Computer) coupled to one or more user computers and one or more website provider computers over the Internet. The service provider computer is shown having specific software modules that enable the functionality discussed in the '828 and '176 Patents. Fig. 16, reproduced below, depicts an exemplary UET Relational Database Complex.

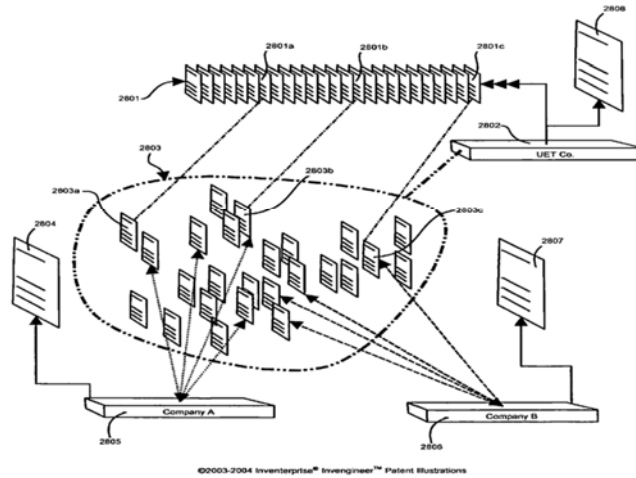
**FIG. 16 UAML Subsystem: Example of UET Company Relational Database Complex with Focus on UAML Listings Core**



18. The '828 and '176 Patents further discuss the complex relationships between the information contained in the dynamically generated pages by the service provider in relation to third party and user published content, as shown in Figs. 28A (depicting the link between various

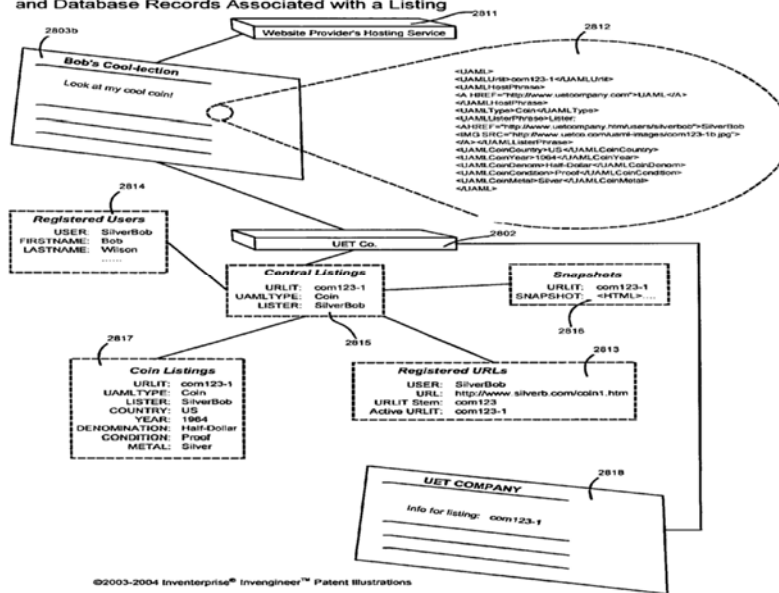
provider, third party, and user published pages) and 28B (depicting relationships between Web pages and database records), also reproduced below.

**FIG. 28A**  
**UAML Subsystem: Summary View of Interaction between UAML-enabled Pages Published by Users, Third Party Service Providers Tapping UAML-Enabled Pages, and UET Company Dynamically Generated Pages**



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**FIG. 28B**  
**UAML Subsystem: Example Data Relationships Indicating Web Pages and Database Records Associated with a Listing**



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19. The '828 and '176 Patents are directed to functionality of one or more of the modules disclosed therein, including for providing a novel approach for generating a newsfeed and/or ticker. This module generates one or more graphical user interfaces that allow users to submit news headlines and associated content/URLs for publication to the newsfeeds/tickers of other users. (*Id.* 31:27-64; Figs. 53-54.)

20. Another module improves a computer's ability to generate and provide graphical user interfaces to modify ranking of news items based on, among other things, measures of popularity and group associations. A module generates a graphical user interface that allows users of the network to "vote" or otherwise indicate approval of certain published information. (*Id.* 14:37-15:32; 40:11-44:15; Figs. 93-103.) The system stores this information in a specific set of relational databases that associate votes with the information and their associated content/URLs. (*Id.* Fig. 100.) The system may thereafter publish the information and/or associated content or URLs in a listing ranked based at least in part on the popularity of the information, for example, via dynamically generated web pages in a real-time newsfeed or ticker. (*Id.* 14:37-15:32; 31:27-64; 40:11-42:19; Figs. 53-54.)

21. The '828 and '176 Patents propose several other solutions to technological problems associated with networked computer systems, including security measures that use a "URLIT" identifier for controlling access privileges to content pages, a mark-up language ("UAML") that improves Web page parsing and tagging for contextual searching, a Web browser toolbar utility ("UTU") that establishes push or pull data connection between client and server computer, improved search engine, etc. (*See, e.g., id.* 6:57-7:45)

22. In the context of social network services, users had and continue to have access to thousands of items of information daily, but typically can only look at a fraction of the items



available to them online. To ensure the return of their users, it is important for service providers to identify and distribute, from the vast amount of information available for distribution, a subset that is relevant and highly engaging. Using a flawed methodology, such as the citation ranking method noted above, to identify content for distribution in such a setting may similarly result in the distribution of undesirable content which may ultimately result in a loss of users. The problems associated with the identification of information for distribution in a social networking system exist as a result of the vast amount of information available online. These problems do not have traditional business analogues nor do they exist outside of the realm of computer networks. As such, the problems associated with the identification of information for distribution in a social networking system are technological problems that are particular to the Internet.

23. The '828 and '176 Patents, therefore, provide non-conventional technical solutions to Internet-centric problems associated with, *inter alia*, information distribution within social networking systems and specific ways of providing graphical user interfaces for presenting news items and other information to viewing users, problems that do not exist outside of the realm of the Internet.

#### *THE FACEBOOK SOCIAL NETWORKING SERVICE*

24. FACEBOOK operates the “Facebook” online social networking service, which is made available through the Facebook Website and the Facebook Apps (the “Facebook Service”). The Facebook Apps are available for various mobile device platforms, including iOS, Windows Phone, and Android.

25. The Facebook Service generally allows users to register for the service and post or share content online. Specifically, each Facebook user is provided with an account that

includes a user profile and what Facebook refers to as a “Timeline” associated with their profile. The Timeline represents the chronology of the user’s activities, including posts, likes, and comments. The Facebook Service provides businesses and groups with similar functionality via what Facebook refers to as “Pages.” Facebook Service users can follow or otherwise subscribe to other user and business/group (generally referred to herein as “entities”) accounts/profiles via their respective pages. Users can follow or otherwise subscribe to the Pages of several groups, including those pertaining to academic institutions, religious groups, clubs, and other common interests. Once followed, the Facebook Service associates the following-user account with the account/timeline of the entity being followed.

26. After logging in, the Facebook Service displays the user’s home page, which includes that which Facebook refers to as the user’s “News Feed” and/or “Ticker.” The user’s News Feed contains a constantly updated list of posts and other content added to the Timelines/Pages of those that are being followed by the user. Upon information and belief, the News Feed listing is by default sorted based at least partially on popularity (“Top Stories”) or optionally based on time (“Most Recent”). Upon information and belief, the Facebook App automatically refreshes to insert posts into the top of the News Feed listing as they are published by those that are being followed. The user’s Ticker displays activity information as it is being published in a scrolling format. The Facebook Service also includes suggested/sponsored posts from entities that are not necessarily being followed, which are inserted into the user’s News Feed. Upon information and belief, Facebook further provides a listing of headlines in a “Trending” panel, which consists of headlines ranked based on, *inter alia*, engagement around the subject article on Facebook. Upon information and belief, the Trending panel is

automatically refreshed to reflect changing trends, which includes inserting new headlines into the list of headlines and rearranging them based on popularity.

27. Posts often include a story (headline and/or body) and a URL associated with the story. Upon information and belief, to ensure network integrity, the Facebook Service performs a security check on URLs for spammy or malicious content.

28. Once displayed, users can react to posts appearing on their News Feed by clicking on one or more of the reaction buttons displayed just below posts. Facebook enables several types of reactions regarding a post, including simply “liking” a post. By liking a post users can vote in favor of or otherwise approve the post. Posts further display indicia of popularity, including a running count of likes and comments, as well as of the other reaction button selections.

29. In the default setting, the Facebook Service may not publish all the posts available for a given user’s News Feed. Upon information and belief, the determination whether to include a story in a News Feed is influenced by certain activity with regard to the post, including the number of likes and/or comments that the post receives. Upon information and belief, the higher these measures are, the more likely it is for the Facebook Service to include a post in the user’s News Feed. Upon information and belief, since there are limits with regard to the number of posts that any given user can appreciate, the Facebook Service determines whether or not to publish posts (exclude/include) based on, *e.g.*, the relevancy, freshness, and popularity of the post. Upon information and belief, the Facebook Service thus promotes the status of certain posts for publication (including suggested posts) based at least in part on their popularity among the community of users. The Facebook Service further provides a search interface that returns

results in response to a query based on relevance, along with advertisements and sponsored posts.

30. A Facebook user account, including Facebook Page associated with said account, can be linked with one or more Instagram user accounts, after which posts generated from the one or more linked Instagram user accounts can automatically be posted on the Timeline of the Facebook user account to which such Instagram user accounts are linked. In effect, these posts may be also displayed in the News Feed and/or Ticker of the linked Facebook user account.

#### *THE INSTAGRAM SERVICE*

31. INSTAGRAM operates the “Instagram” online photo sharing service, which is made available through the Instagram Website and the Instagram App (the “Instagram Service”).

32. The Instagram Service generally allows users to register for the service and post/share content online. Specifically, each Instagram user is provided with an Instagram account that allows them to publish media files and related content through the Instagram Service. The Instagram Service associates media posted by users with the users’ account profile. Instagram users are provided with a profile page that displays therein the media files associated over time with their profiles. The Instagram Service allows users to explore photos and videos posted by other users, and to similarly follow or otherwise subscribe to other user profiles via their respective profile pages. Once followed, the following-user’s account is associated with the entities being followed.

33. After logging in, the Instagram Service displays a user’s home page, which includes a constantly updated list of posts that were added to the profile pages of entities that are being followed. Posts often include a description pertaining to the media file and may include a link (URL), for example, for additional information. The Instagram App further provides an

“Activity” page that is accessible by tapping on a “heart” icon in the App navigation bar at the bottom of the screen. The Activity page allows users to see the recent activity from people that the user is following. Once displayed, users can “like” posts by clicking on a heart-shaped button displayed just below posts along with a text box for adding a comment. Posts also display indicia of popularity, including a running count of likes and comments.

34. Upon information and belief, the Instagram Service applies an algorithm that ranks posts based at least in part on their popularity. That is, posts with more “likes” are ranked higher than posts with fewer “likes” thereby promoting certain posts in the user’s home page based on their popularity.

35. As stated above, posts generated from the one or more linked Instagram user accounts can automatically be posted on the Timeline of the Facebook user account once both of the accounts are linked. In addition, an Instagram user account can be linked with a Facebook Page account, after which posts generated from the linked Facebook Page can automatically be posted on the profile page of the Instagram user account to which such Facebook Page is linked. In effect, these posts can also be displayed in the home page of the linked Instagram user account.

### **COUNT I**

#### *Infringement of United States Patent No. 8,620,828 by FACEBOOK*

36. SSMP re-alleges and incorporates by reference the foregoing allegations as though fully set forth here.

37. Pursuant to 35 U.S.C. § 271(a), FACEBOOK is liable for direct infringement of at least one claim of the ’828 Patent, including without limitation claims 11-14, 18-19, and 20,

by having made, used, offered to sell, and sold or otherwise monetized the Facebook Service and by continuing to make, use, offer to sell, and sell or otherwise monetize the Facebook Service.

38. FACEBOOK, by having made, used, offered to sell, and sold or otherwise monetized, and continuing to do so with respect to the Facebook Service, performs the methods and corresponding networked computer systems for social networking claimed in the '828 Patent, including claims 11-14, 18-19, and 20.

39. Claim 18, for instance, recites:

A social network method comprising:

receiving first account information at a first computer system via a first computer network, said first computer system comprising a data processor and a memory;

storing said first account information in a first user account in said memory;

storing a second user account, said first user account being different from said second user account;

verifying, via a first computer network, a relationship between said first user account and a first entity, wherein said first entity is one of a multitude of different entities in said social network;

receiving, via said first computer network a first subscription in which said second user account is subscribed to said first user account; and

distributing, via said first computer network, when said second user account is in use, a real-time news ticker per said first subscription, said real-time news ticker comprising real-time news related to said first user account or said first entity.

40. For instance, with regard to claim 18, FACEBOOK operates a first computer system in a computer network, the first computer system having a processor and a memory, which performs methods that include receiving and storing in the memory information for registering multiple different users of the Facebook Service, including first and second account

information. FACEBOOK allows users to post content on a Timeline associated with their profile or account. Businesses and groups similarly post content to their Pages. Users follow or otherwise subscribe to the profiles/accounts of other users and businesses or groups by, for example, navigating to their respective Timeline/Pages and clicking a “follow” button therein. FACEBOOK provides the Facebook Service to groups with the ability to limit access thereto to only members of the group. For these instances, FACEBOOK provides for verifying the relationship between the subscribing-user account and the entity. For example, school groups may require an active email address with the school as a condition for membership. Once subscribed, content posted by users/entities to their respective Timelines will be distributed via the FACEBOOK SERVICE to subscribers in real-time including via tickers that include news items related to the particular users or the entities being followed.

41. FACEBOOK further allows users to follow several currently existing social groups, including those pertaining to academic institutions, religious groups, clubs, and other interests, and allows users and entities to publish posts related to their respective interests. Posts that include a URL are checked by FACEBOOK for malicious content as a criterion before being published in news feeds.

42. Facebook allows users to navigate to a social group’s Page, which displays recent activity including real-time news items pertaining to the social group. The Facebook Service allows groups to limit access to their Pages to those users that have been verified, as a condition for allowing users to post updates on their group Pages.

43. Therefore, all of the elements of at least claims 11 and 18 of the ’828 Patent are embodied in the Facebook Service, as are the elements of claims 12-14, 19 and 20 dependent thereon.

44. Pursuant to 35 U.S.C. § 271(b), FACEBOOK is liable for inducement of infringement by continuing to knowingly cause or intend to cause the direct infringement of the '828 Patent by users of the Facebook Service in the United States, including individual users, businesses, and groups that use the Facebook Service for social networking services per at least claim 11-14, 18-19, and 20, of the '828 Patent via the Facebook Website or the Facebook Apps.

45. Pursuant to 35 U.S.C. § 271(c), FACEBOOK is liable for contributory infringement of the '828 Patent by continuing to provide components of the Facebook Service that comprise a material component of the inventions embodied in the '828 Patent, are not suitable for any substantial non-infringing use, and are especially made or adapted for use in infringing the '828 Patent by users of the Facebook Service for social networking services per at least claim 11-14, 18-19, and 20 of the '828 Patent via the Facebook Website or the Facebook Apps, and FACEBOOK having knowledge that the '828 Patent is being directly infringed by such users.

46. As a result of FACEBOOK's acts of infringement of the '828 Patent, SSMP has suffered injury to business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

## **COUNT II**

### *Infringement of United States Patent No. 8,719,176 by FACEBOOK*

47. SSMP re-alleges and incorporates by reference the foregoing allegations as though fully set forth here.

48. Pursuant to 35 U.S.C. § 271(a), FACEBOOK is liable for direct infringement of at least one claim of the '176 Patent, including at least claims 6-7, 9-12, 14-16, 18-26, and 27-30,



by having made, used, offered to sell, and sold or otherwise monetized the Facebook Service and by continuing to make, use, offer to sell, and sell or otherwise monetize the Facebook Service.

49. Claim 6, for instance, recites:

A computer-implemented method, said computer-implemented method comprising the following:

receiving at a first computer system, via a computer network, first information, said first computer system comprising at least a processor and a memory;

registering a first account;

receiving, via said computer network, second information, said second information indicating or comprising at least a first approval, said first approval pertaining to said first information;

determining, by computer, a first measure of popularity, said first measure of popularity pertaining to said first information and being based at least in part on said second information;

at least partly causing, by computer, display of first indicia, said first indicia indicating said first measure of popularity; and

promoting, by computer, said first information from a first status to a second status, said second status being different from said first status, the promoting said first information from said first status to said second status being performed at least partly according to said first measure of popularity; wherein:

said first account is associated with at least a first real-time newsfeed or ticker for conveying a plurality of real-time news items, said plurality of real-time news items comprising at least a first news item, said first news item being related to said first account.

50. For instance, with regard to claim 6, FACEBOOK operates a first computer system in a computer network, the system having a processor and a memory, and one or more components such as registration and publication components, which perform certain methods that include registering user accounts and receiving information posted by users and entities on their respective Timelines/Pages, which typically includes a URL and related content. That is,

FACEBOOK displays a user home page that includes therein elements, such as a text box or post button, for posting information on respective Timelines/Pages. The user's home page further includes a News Feed that lists therein posts by other users/entities to which users are subscribed and/or by sponsors, a Trending panel, and a Ticker, as discussed herein.

51. As shown in Fig. 1 below, individual posts are displayed by FACEBOOK in user News Feeds with "reaction buttons" that allow users to submit second information that indicates, for example, approval of the information posted by "liking," "commenting," or "sharing" the post. FACEBOOK also provides users with several types of reaction buttons, including "love," "sad," and "angry," which are accessible by hovering over the "like" button at the bottom of a post, as also shown in Fig. 1. Once received, this second information is used to determine a first measure of popularity associated with the post based on the number of "likes" or other reactions that the post receives. The post further displays indicia regarding the first measure of popularity of the post based on the number of reactions to the post, including a running count of the reactions, comments, or shares, as shown in Fig. 2 below.

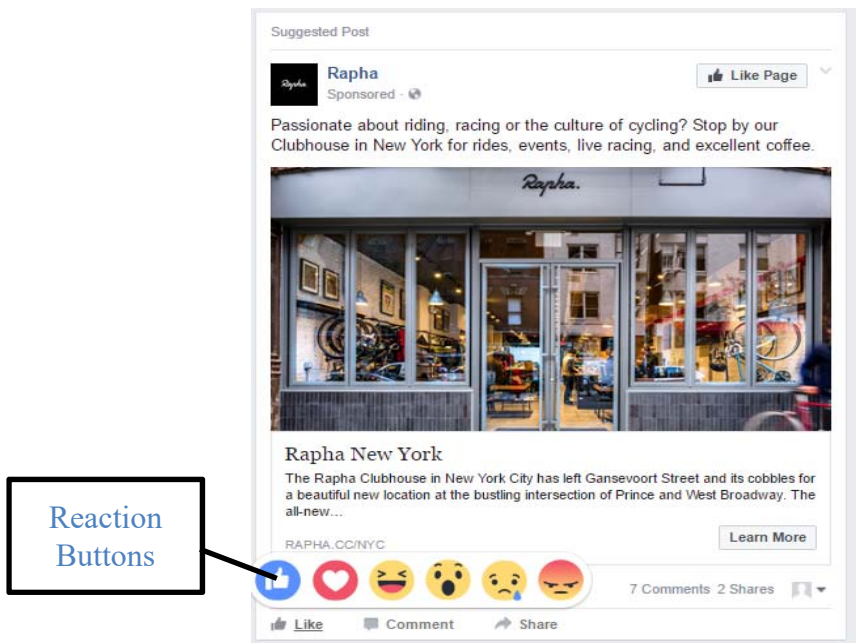


FIG. 1

52. FACEBOOK selectively publishes posts to News Feeds associated with individual user accounts and ranks those posts within the News Feeds, Trending Panel and/or Ticker based at least in part on popularity of the posts as reflected by, among other things, the number of likes or other engagements associated with the posts. FACEBOOK therefore promotes the status of posts with regard to the relative position or ranking thereof in the News Feed, Trending Panel and/or Ticker, and/or in certain instances whether or not posts are even published based on their popularity. FACEBOOK provides these posts in individualized News Feeds, Trending Panel and/or Ticker that are continually updated to include a list of stories therein related to particular users and/or their accounts based on their subscriptions to other user/entity Timelines.

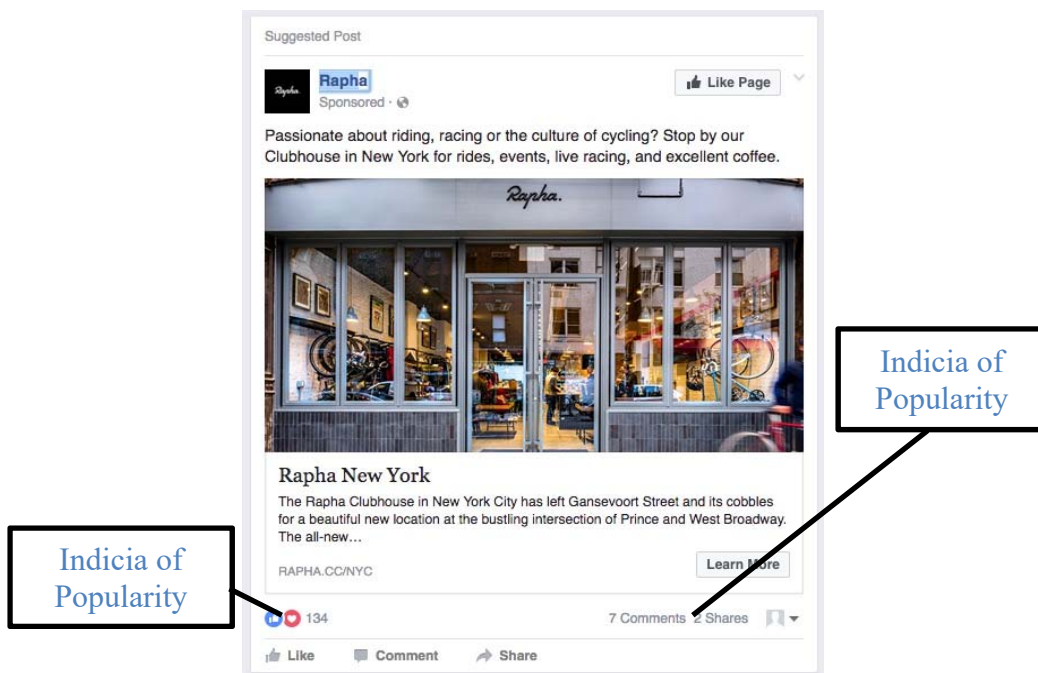


FIG. 2

53. Therefore, all of the elements of at least claims 6, 14, 21, and 27 of the '176 Patent are embodied in the Facebook Service, as well as the elements of claims 7, 9-12, 15-16, 18-20, 22-26, and 28-30 dependent thereon.

54. Pursuant to 35 U.S.C. § 271(b), FACEBOOK is liable for inducement of infringement by continuing to knowingly cause or intend to cause the direct infringement of the '176 Patent by users of the Facebook Service in the United States, including individual users, businesses, and groups that use the Facebook Service for social networking services per at least claims 6-7, 9-12, 14-16, 18-26, and 27-30 of the '176 Patent.

55. Pursuant to 35 U.S.C. § 271(c), FACEBOOK is liable for contributory infringement of the '176 Patent by continuing to provide components of the Facebook Service that comprise a material component of the inventions embodied in the '176 Patent, are not suitable for any substantial non-infringing use, and are especially made or adapted for use in

infringing the '176 Patent by users of the Facebook Service in the United States, including individual users, businesses, and groups that use the Facebook Service for social networking services per at least claims 6-7, 9-12, 14-16, 18-26, and 27-30 of the '176 Patent, and FACEBOOK having knowledge that the '176 Patent is being directly infringed by such users.

56. As a result of FACEBOOK's acts of infringement of the '176 Patent, SSMP has suffered injury to business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

### **COUNT III**

#### *Infringement of United States Patent No. 8,719,176 by INSTAGRAM*

57. SSMP re-alleges and incorporates by reference the foregoing allegations as though fully set forth here.

58. Pursuant to 35 U.S.C. § 271(a), INSTAGRAM is liable for direct infringement of at least one claim of the '176 Patent, including without limitation claims 6-7, 9-12, 14-16, and 18-19, by having made, used, offered to sell, and sold or otherwise monetized the Instagram Service and by continuing to make, use, offer to sell, and sell or otherwise monetize the Instagram Service.

59. INSTAGRAM, by having made, used, offer to sell, and sell or otherwise monetized, and continuing to do so with respect to the Instagram Service, performs methods and corresponding networked computer systems for social networking claimed in the '176 Patent, including claims 6-7, 10-12, 14-15, and 18-20.

60. For instance, with regard to claim 6 the text of which is set forth in paragraph 47 above, INSTAGRAM operates a first computer system in a computer network, the system having a processor and a memory, and one or more components, which perform certain methods that include registering user accounts and receiving media content posted by users on their respective profile pages. In a manner similar to the Facebook Service, INSTAGRAM displays a user's home page (*see* Fig. 3 below) that includes therein a listing of media posted by other subscribed-to-users as well as elements, such as a text box or post button, for posting media content.

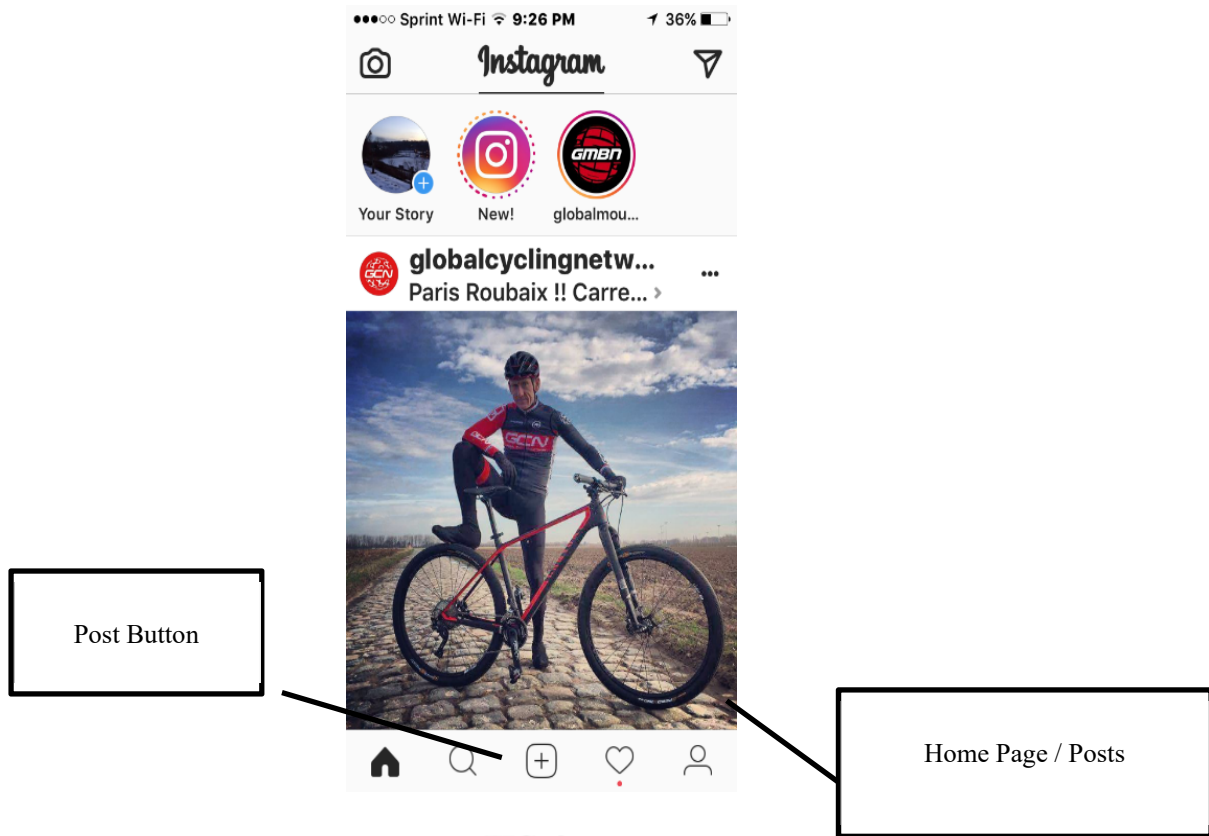


FIG. 3

61. As shown in Fig. 4 below, individual posts are displayed by INSTAGRAM in the users' home page with a "like" button that when selected indicates approval of the information posted. Once received, this second information is used to determine a first measure of popularity associated with the post based on the number of "likes" that the post receives. The post further displays indicia regarding a first measure of popularity of the post based on the number of reactions to the post, including a running count of the likes.

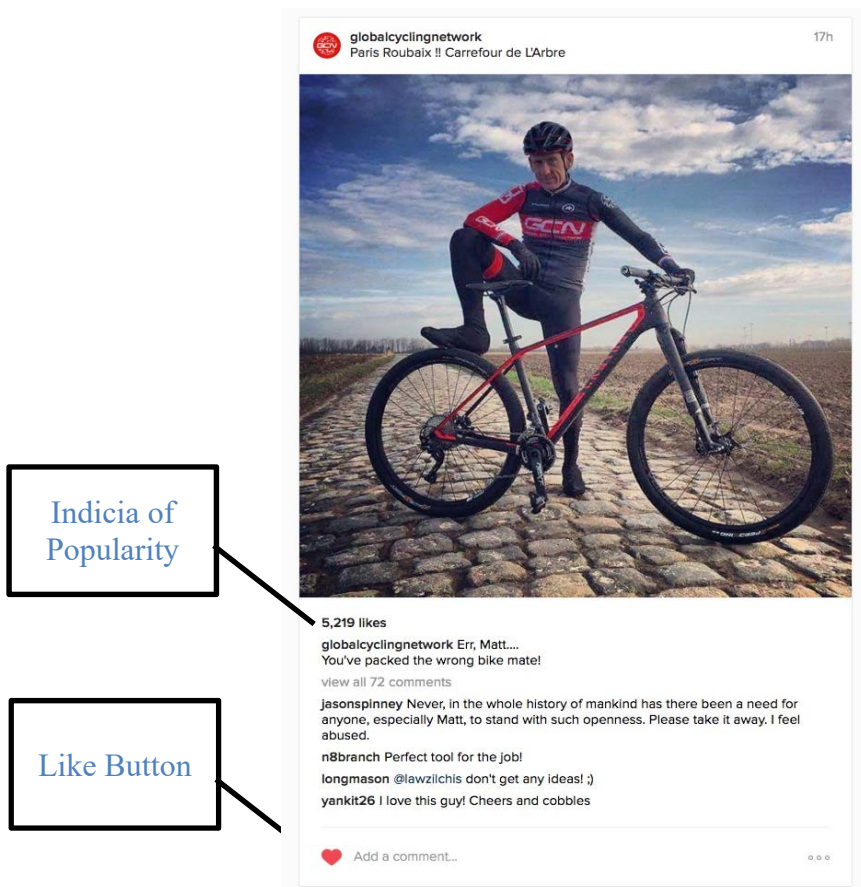


FIG. 4

62. Upon information and belief, INSTAGRAM selectively publishes posts to home pages associated with individual user accounts and ranks those posts within home pages based on

certain user activity, including the number of likes that a post receives. INSTAGRAM therefore promotes the status of posts with regard to the ranking of posts in home pages and/or publication based on their popularity. INSTAGRAM further updates home pages in real time to include media content therein related to particular users and/or their accounts based on their subscriptions to other users.

63. Therefore, all of the elements of at least claims 6 and 14 of the '176 Patent are embodied in the Instagram Service, as are the elements of claims 7, 10-12, 15, and 18-20 dependent thereon.

64. Pursuant to 35 U.S.C. § 271(b), INSTAGRAM is liable for inducement of infringement by continuing to knowingly cause or intend to cause the direct infringement of the '176 Patent by users of the Instagram Service in the United States, including individual users, businesses, and groups that use the Instagram Service for social networking services per at least claims 6-7, 10-12, 14-15, and 18-20 of the '176 Patent.

65. Pursuant to 35 U.S.C. § 271(c), INSTAGRAM is liable for contributory infringement of the '176 Patent by continuing to provide components of the Instagram Service that comprise a material component of the inventions embodied in the '176 Patent, are not suitable for any substantial non-infringing use, and are especially made or adapted for use in infringing the '176 Patent by users of the Instagram Service in the United States, including individual users, businesses, and groups that use the Instagram Service for social networking services per at least claims 6-7, 10-12, 14-15, and 18-20 of the '176 Patent, and INSTAGRAM having knowledge that the '176 Patent is being directly infringed by such users.



66. As a result of INSTAGRAM's acts of infringement of the '176 Patent, SSMP has suffered injury to business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

### **JURY DEMAND**

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

### **PRAYER FOR RELIEF**

WHEREFORE, SSMP prays for judgment and relief as follows:

- A. A declaration that FACEBOOK has infringed, is infringing, has induced and is inducing, has contributed and is contributing to the infringement of the '176 and '828 Patents;
- B. An award of damages adequate to compensate SSMP for the infringement of the '176 and '828 Patents by FACEBOOK;
- C. A permanent injunction enjoining FACEBOOK, its officers, agents, servants, employees, affiliates and attorneys, and all those in active concert or participation with them, from further infringing, inducing infringement, and contributing to the infringement of the '176 and '828 Patents without purchasing the right to do so from SSMP;
- D. A declaration that FACEBOOK's continuing infringement of the '176 and '828 Patents is willful, justifying a trebling of the award of damages under 35 U.S.C. § 284, or such other enhancement of the award of damages that the Court deems appropriate;
- E. An award of pre-judgment and post-judgment interest on the damages caused by reason of FACEBOOK's infringement of the '176 and '828 Patents;
- F. A declaration that INSTAGRAM has infringed, is infringing, has induced and is inducing, has contributed and is contributing to the infringement of the '176 Patent;

G. An award of damages adequate to compensate SSMP for the infringement of the '176 Patent by INSTAGRAM;

H. A permanent injunction enjoining INSTAGRAM, its officers, agents, servants, employees, affiliates and attorneys, and all those in active concert or participation with them, from further infringing, inducing infringement, and contributing to the infringement of the '176 Patent without purchasing the right to do so from SSMP;

I. A declaration that INSTAGRAM's continuing infringement of the '176 Patent is willful, justifying a trebling of the award of damages under 35 U.S.C. § 284, or such other enhancement of the award of damages that the Court deems appropriate;

J. An award of pre-judgment and post-judgment interest on the damages caused by reason of INSTAGRAM's infringement of the '176 Patent;

K. An award of costs and expenses to SSMP; and

L. A grant to SSMP of such other and further relief as the Court may deem just and proper.

Dated: August 9, 2017

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