

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

HYPERMEDIA NAVIGATION LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CIVIL ACTION NO. 2:17-cv-647-JRG

JURY TRIAL DEMANDED

AMENDED COMPLAINT

This is an action for patent infringement in which Hypermedia Navigation LLC (“Hypermedia”) makes the following allegations against Microsoft Corporation (“Defendant”):

PARTIES

1. Hypermedia Navigation LLC is a Texas limited liability company with a principle place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.

2. Microsoft Corporation is a corporation organized and existing under the laws of Washington, with its principal place of business located at 1 Microsoft Way, Redmond, WA 98052. Defendant may be served with process through its registered agent, Corporation Service Company, 300 Deschutes Way SW, Ste. 304, Tumwater, WA 98501.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

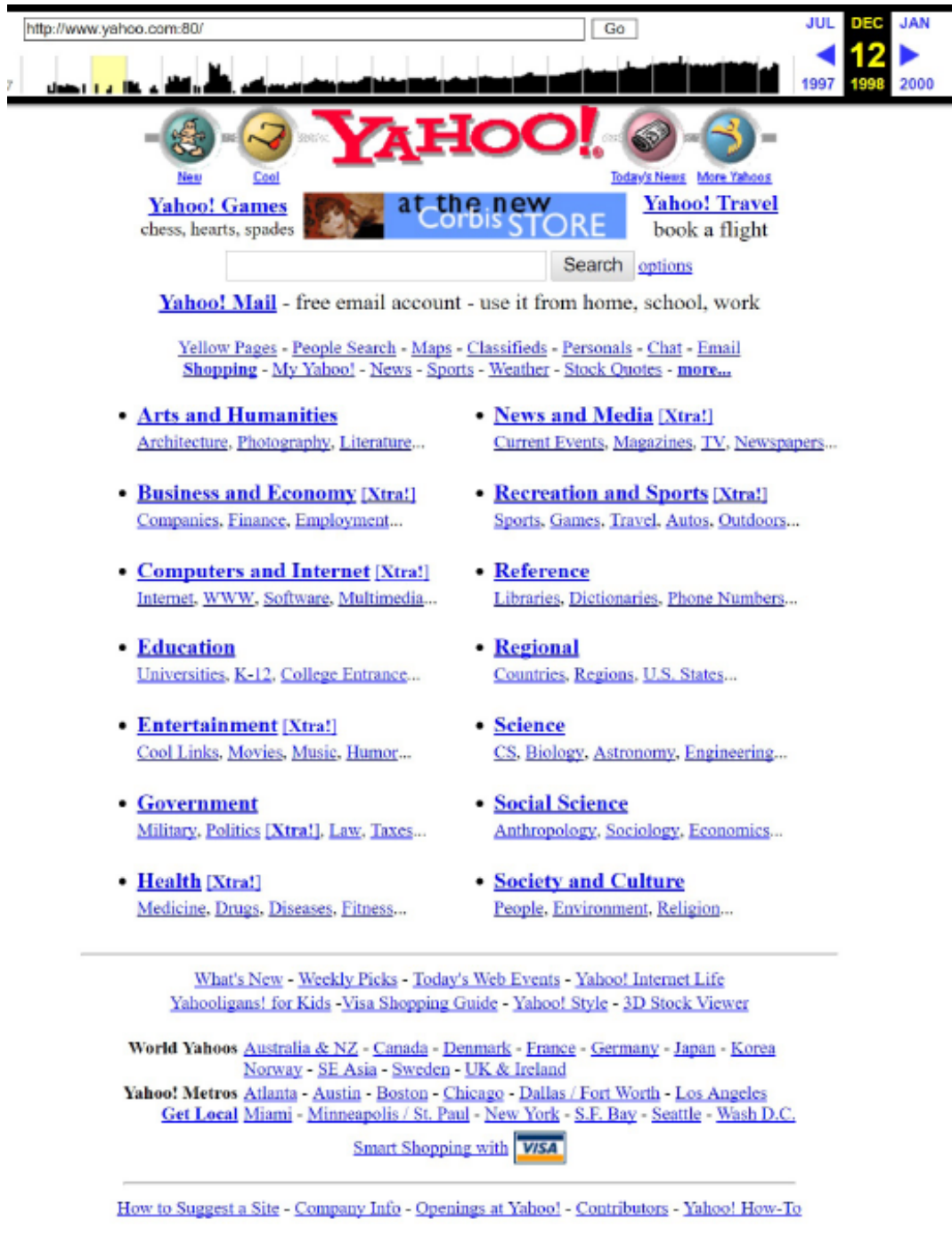
4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant maintains a regular place of business within this Judicial District at 2601 Preston Rd., #1176, Frisco, TX 75034, and has committed acts of infringement within this Judicial District.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

THE HYPERMEDIA PATENTS

6. The Hypermedia Patents disclose the solution to a problem created by internet web navigation which lacked linear navigation for media elements such as television shows, movies, radio programs, concert viewings, which were increasingly unorganized with virtually unlimited number of choices, for example, searching for a content on the search term "President" in December 1998 on www.Facebook.com would yield non-linear results.

7. In 1998, one of the major search engine, Yahoo!'s search engine provided this simple categorical home page with no media content navigation.



8. Search results through browsers were lists of links with no linear navigation for media elements such as videos, images, and/or audio files or websites, for example, a search result for president would look like this in 1999:



9. The Hypermedia patents solved this problem by creating a linear navigation resource program to navigate media elements by pulling multiple media elements from multiple hypermedia resources from multiple remote information nodes and provides them to the subscriber station through an interface which provides presentation of a media element and a linear navigation through a path of additional media elements.

10. On June 3, 2008, United States Patent No. 7,383,323 (the “’323 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’323 patent is attached hereto as Exhibit A.

11. On June 3, 2008, United States Patent No. 7,383,324 (the “’324 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled

“System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’324 patent is attached hereto as Exhibit B.

12. On September 9, 2008, United States Patent No. 7,424,523 (the “’523 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’523 patent is attached hereto as Exhibit C.

13. On January 13, 2009, United States Patent No. 7,478,144 (the “’144 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’144 patent is attached hereto as Exhibit D.

14. On August 3, 2010, United States Patent No. 7,769,830 (the “’830 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’830 patent is attached hereto as Exhibit E.

15. On August 21, 2012, United States Patent No. 8,250,173 (the “’173 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’173 patent is attached hereto as Exhibit F.

16. On July 14, 2015, United States Patent No. 9,083,672 (the “’672 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’672 patent is attached hereto as Exhibit G.

17. On August 21, 2012, United States Patent No. 8,250,170 (the “’170 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’170 patent is attached hereto as Exhibit H.

18. On May 8, 2007, United States Patent No. 7,216,155 (the “’155 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’155 patent is attached hereto as Exhibit I.

19. On September 26, 2017, United States Patent No. 9,772,814 (the “’814 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’814 patent is attached hereto as Exhibit J.

20. The ’323 Patent, the ’324 Patent, the ’523 Patent, the ’144 Patent, the ’830 Patent, the ’173 Patent, the ’672 Patent, the ’170 Patent, the ’155 Patent, and the ’814 Patent are collectively referred to as the “Asserted Patents.”

21. Hypermedia is the owner of the Asserted Patents with all rights in and to the Asserted Patents.

22. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the Asserted Patents, Hypermedia has complied with such requirements.

WILLFUL INFRINGEMENT BY MICROSOFT

23. On October 19, 2016, Hypermedia’s patent portfolio was presented to Defendant.

24. Hypermedia's entire portfolio was presented, which includes all of the Assert Patents. Furthermore, detailed infringement charts regarding U.S. Patent Nos. 7,383,323, 7,383,324, 7,487,144, 8,250,173, and 9,083,672.

25. Detailed infringement charts including independent and dependent claims of the 7,383,323, 7,383,324, 7,424,523, 7,487,144, 7,769,830, 8,250,170, 8,250,173, and 9,083,672 (the "Charted Patents") were sent to Defendant on May 4, 2017.

26. Hypermedia and Defendant negotiated for a license to Hypermedia's patent portfolio, but were unable to reach an agreement.

27. Defendant provided no material, no description, and no evidence of non-infringement or invalidity of any of Hypermedia's patents.

28. Prior to the filing of this Complaint, Hypermedia presented its entire patent portfolio to Defendant. Hypermedia presented specific evidence of the Bing search engine and/or Bing video search and/or Bing Music (the "Accused Instrumentalities") infringement of the Charted Patents to Defendant demonstrating how the Accused Instrumentalities met each limitation of the charted claims. Thus, Defendant was both aware of the Asserted Patents and the Charted Patents and had been shown by Hypermedia that its products infringed the Asserted Patents. Thus, Defendant has willfully infringed the Asserted Patents.

29. Furthermore, Defendant intentionally infringed the Asserted Patents by making, using, and/or selling the Accused Instrumentalities within the United States.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,383,323

30. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search) (the "Accused Instrumentalities")) that infringe claims 10, 11, 12,17, 29 and 30 of the '323 patent.

31. Upon information and belief, Defendant has been and is now infringing claims 10, 11, 12, and 17, 29 and 30 of the '323 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the '323 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '323 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '323 Patent pursuant to 35 U.S.C. § 271(a).

32. The Accused Instrumentalities infringe claim 10 of the '323 Patent as they perform a method for presenting video media elements to a subscriber station by receiving request from the subscriber station to present at least one video element to the subscriber (*e.g.* Bing receives a request from a user for presenting video media elements results); selecting a plurality of video media elements for presentation the subscriber station (*e.g.* Bing video search selects a plurality of video elements); creating a file for use by the subscriber station to create a user interface (*e.g.* Bing video search presents a viewing area of a user selected video); and transmitting the file to the subscriber station. *See Exhibit A-1, Figs. 1-12.*

33. The Accused Instrumentalities infringe claim 11 of the '323 Patent as they perform the method of claim 10 and receiving the request from the subscriber station includes receiving a search criteria and selecting the plurality of video media elements includes selecting the plurality of video media elements based upon the search criteria (*e.g.* Bing selects videos based on search terms). *See Exhibit A-1, Figs. 1-12.*

34. The Accused Instrumentalities infringe claim 12 of the '323 Patent as they perform the method of claim 10 and receiving the request from the subscriber station includes receiving a search criteria and at least one search preference and selecting the plurality of video media

elements includes selecting the plurality of video media elements based upon the search criteria and the at least one search preference. *See* Exhibit A-1, Figs. 1-12.

35. The Accused Instrumentalities infringe claim 17 of the '323 Patent as they perform the method of claim 10 and each of the plurality of video media elements for presentation to the subscriber station resides on a common Web Site. *See* Exhibit A-1, Figs. 1-12.

36. The Accused Instrumentalities infringe claim 29 of the '323 Patent as they comprise a computer readable medium tangibly comprising computer executable instructions for performing the steps of claim 28 and instructions for receiving the request from a subscriber station including instructions for receiving a search criteria and selecting the plurality of video media elements based upon the search criteria. *See* Exhibit A-1, Figs. 1-12.

37. The Accused Instrumentalities infringe claim 30 of the '323 Patent as they comprise a computer readable medium tangibly comprising computer executable instructions for performing the steps of claim 28 and instructions for receiving from the subscriber station a search criteria and at least one search preference, and instructions for selecting the plurality of video media elements based on the search criteria and the at least one search preference. *See* Exhibit A-1, Figs. 1-12.

38. As a result of Defendant's infringement of the '323 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,383,324

39. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search

and/or Bing Music) (the “Accused Instrumentalities”)) that infringe claims 1, 2, 4, and 5 of the ’324 patent.

40. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 4, and 5 of the ’324 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale Accused Instrumentalities, covered by one or more claims of the ’324 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the ’324 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’324 Patent pursuant to 35 U.S.C. § 271(a).

41. The Accused Instrumentalities infringe claim 1 of the ’324 Patent as they perform a method for presenting video media elements to a subscriber station by receiving request from the subscriber station to present at least one video element to the subscriber (*e.g.* Bing receives a request from a user for presenting video media elements results); selecting a plurality of video media elements for presentation the subscriber station (*e.g.* Bing video search selects a plurality of video elements); creating a file for use by the subscriber station to create a user interface (*e.g.* Bing video search presents a viewing area of a user selected video); and transmitting the file to the subscriber station. *See* Exhibit B-1, Figs. 1-17.

42. The Accused Instrumentalities infringe claim 2 of the ’324 Patent as they perform the method of claim 1 and include a first and second plurality of video media elements which are associated with the website. *See* Exhibit B-1, Figs. 1-17.

43. The Accused Instrumentalities infringe claim 4 of the ’324 Patent as they perform the method of claim 1 and receive search criteria from the user and select the second plurality of video elements using the search term. *See* Exhibit B-1, Figs. 1-17.

44. The Accused Instrumentalities infringe claim 5 of the '324 Patent as they perform the method of claim 1 and receive the request from a user of a search criteria and select the second plurality of video media elements based on the search criteria and at least one search preference such as resolution. *See* Exhibit B-1, Figs. 1-17.

45. As a result of Defendant's infringement of the '324 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 7,424,523

46. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or its Bing video search and/or Bing music) (the "Accused Instrumentalities") that infringe claims 6, 7, 11, and 12 of the '523 Patent.

47. Upon information and belief, Defendant has been and is now infringing claims 6, 7, 11, and 12 of the '523 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the '523 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '523 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '523 Patent pursuant to 35 U.S.C. § 271(a).

48. The Accused Instrumentalities infringe claim 6 of the '523 Patent as they perform a method for navigating a linear Web program by sending data from a remote information node to display, on a display device at a user location, a first media element of the plurality of media

elements from the single Website (*e.g.* Bing video search sends to a user video search results);, the first media element having a forward link to a second media element of the linear Web program, and to display a forward link indicator on the display device; receiving a first signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display on the display device (*e.g.* Bing providing a forward link to the next media element and displaying the next media element); and receiving a second signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display on the display device, the third media element of the linear Web program (*e.g.* Bing presenting a third media element after receiving a second signal). *See* Exhibit C-1, Figs. 1-18.

49. The Accused Instrumentalities infringe claim 7 of the '523 Patent as they perform the method of claim 6 and includes a forward button. *See* Exhibit C-1, Figs. 1-18.

50. The Accused Instrumentalities infringe claim 11 of the '523 Patent as they perform the method of claim 6 and stores the web site at a remote node, *e.g.*, a server. *See* Exhibit C-1, Figs. 1-18.

51. The Accused Instrumentalities infringe claim 12 of the '523 Patent as they perform the method of claim 11 and sends the website to a user's display device, *e.g.*, a computer, tablet, or smartphone. *See* Exhibit C-1, Figs. 1-18.

52. As a result of Defendant's infringement of the '523 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 7,478,144

53. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or its Bing video search and/or Bing music) (the “Accused Instrumentalities”) that infringe claims 40, 44, 45, 47, and 49 of the ’144 patent.

54. Upon information and belief, Defendant has been and is now infringing claims 40, 44, 45, 47, and 49 of the ’144 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the ’144 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the ’144 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’144 Patent pursuant to 35 U.S.C. § 271(a).

55. The Accused Instrumentalities infringe claim 40 of the ’144 Patent as they perform the method of claim 39 and the user interface includes a viewing area in which at least one image of the plurality of found video media elements is presented and a map area in which information regarding some of the plurality of found video media elements is presented. *See* Exhibit D-1, Figs. 1-17.

56. The Accused Instrumentalities infringe claim 44 of the ’144 Patent as they perform a method for performing a search for media elements and for providing the media elements to a subscriber station by receiving a search request from the subscriber station to perform a search for media elements (*e.g.* Bing receives a search request from a user); searching for media elements based upon the search request to produce a plurality of found media elements (*e.g.* Bing searches and produces a plurality of video search results); selecting, from the plurality of found media

elements, a first media element; selecting from the plurality of found media elements, a plurality of second media elements (*e.g.* Bing video search provides a linear result of a first media element along with a plurality of second media elements); and creating a file for use by the subscriber station to create a user interface (*e.g.* Bing video search creates a return of results in a user interface format). *See* Exhibit D-1, Figs. 1-17.

57. The Accused Instrumentalities infringe claim 45 of the '144 Patent as they perform the method of claim 44 and also receives a map selection area request from the user corresponding to a second media element, selects a plurality of third media elements, and creates another webpage for the user that includes a viewing area presenting the second media element and a map area including information regarding the third media elements, *e.g.*, when the user clicks on a second video, a new web page is created displaying the second video and a map area including a third set of videos. *See* Exhibit D-1, Figs. 1-17.

58. The Accused Instrumentalities infringe claim 47 of the '144 Patent as they perform the method of claim 44 and the media elements reside on different websites. *See* Exhibit D-1, Figs. 1-17.

59. The Accused Instrumentalities infringe claim 49 of the '144 Patent as they perform the method of claim 44 and where the map area and display do not overlap. *See* Exhibit D-1, Figs. 1-17.

60. As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 7,769,830

61. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or Bing music) (the “Accused Instrumentalities”) that infringe claims 1, 2, 3, 4, 5, 7, 12, 15, 16, 18, and 24 of the ’830 patent.

62. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 5, 7, 12, 15, 16, 19 and 24 of the ’830 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the ’830 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the ’830 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’830 Patent pursuant to 35 U.S.C. § 271(a).

63. The Accused Instrumentalities infringe claim 1 of the ’830 Patent as they perform a method for operating at least one web server to present video media elements to a subscriber station by receiving a web page request from the subscriber station (*e.g.* the Bing server receives a request from a user); in response to receiving the web page request, the at least one web server creating at least one web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes a viewing area and a map area (*e.g.* Bing generates a response viewable by a user that includes a viewing area and a map area); and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station . *See* Exhibit E-1, Figs. 1-20.

64. The Accused Instrumentalities infringe claim 2 of the ’830 Patent as they perform the method of claim 1 and receiving the web page request from the subscriber station includes the

at least one web server receiving a search criteria and the at least one web server selecting the first video media element and the plurality of second video media elements based upon the search criteria (*e.g.* Bing selects videos based on the search term). *See* Exhibit E-1, Figs. 1-20.

65. The Accused Instrumentalities infringe claim 3 of the '830 Patent as they perform the method of claim 1 and further receives a search criteria by the at least one web server from the subscriber station and selects the first video media element and the plurality of second video media elements by the at least one web server based upon the search criteria. *See* Exhibit E-1, Figs. 1-20.

66. The Accused Instrumentalities infringe claim 4 of the '830 Patent as they perform the method of claim 1 and receives a selection from the subscriber station of one of the plurality of second video media elements for display in the viewing area by the at least one web server. *See* Exhibit E-1, Figs. 1-20.

67. The Accused Instrumentalities infringe claim 5 of the '830 Patent as they perform the method of claim 1 and also receives the web pages requires from the user including a search term and preference, *e.g.*, a keyword and a resolution, and selects the first and second video media elements based on the search term and preference. *See* Exhibit E-1, Figs. 1-20.

68. The Accused Instrumentalities infringe claim 7 of the '830 Patent as they perform the method of claim 1 and also selects the plurality of first video elements after receipt of the webpage request, *e.g.*, the videos are selected based on the user's search request. *See* Exhibit E-1, Figs. 1-20.

69. The Accused Instrumentalities infringe claim 12 of the '830 Patent as they perform the method of claim 1 and at least some icons of the map area convey subjects corresponding to second video media elements. *See* Exhibit E-1, Figs. 1-20.

70. The Accused Instrumentalities infringe claim 15 of the '830 Patent as they perform a method for presenting video media elements to a subscriber station by at least one web server by creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes a viewing area in which a first video media element is presented and a map area in which a plurality of icons are presented (*e.g.* Bing creates a web page for use by the subscriber station), each icon representative of a corresponding one of a plurality of second video media elements; receiving a web page request from the subscriber station; and responding to the web page request by initiating download of the at least one web page to the subscriber station. *See* Exhibit E-1, Figs. 1-20.

71. The Accused Instrumentalities infringe claim 16 of the '830 Patent as they perform the method of claim 15 and the plurality of video media elements are selected by the web server after receipt of the web page request from the subscriber station. *See* Exhibit E-1, Figs. 1-20.

72. The Accused Instrumentalities infringe claim 18 of the '830 Patent as they perform the method of claim 15 and further receives a search criteria and selects the first video media element and the plurality of second video media elements by based upon the search criteria (*e.g.* Bing selects videos based on a search term). *See* Exhibit E-1, Figs. 1-20.

73. The Accused Instrumentalities infringe claim 24 of the '830 Patent as they perform the method of claim 15 and at least some icons of the map area convey subjects of corresponding second video media elements. *See* Exhibit E-1, Figs. 1-20.

74. As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 8,250,173

75. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or Bing music) (the “Accused Instrumentalities”) that infringe claims 1, 2, 3, 5, 6, 7, 8, 9, 11, 15, 16, 20, and 24 of the ’173 patent.

76. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 5, 6, 7, 8, 9, 11, 15, 16, 20, and 24 of the ’173 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the ’173 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the ’173 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’173 Patent pursuant to 35 U.S.C. § 271(a).

77. The Accused Instrumentalities infringe claim 1 of the ’173 Patent as they perform a method for operating at least one web server to present video media elements to a subscriber station by receiving a web page request from the subscriber station (*e.g.* the Bing server receives a request from a user); in response to receiving the web page request, the at least one web server accessing a web page for use by a browser of the subscriber station to produce a user interface at the subscriber station (*e.g.* Bing generates a response viewable by a user that includes a viewing area and a map area) and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Exhibit F-1, Figs. 1-21.

78. The Accused Instrumentalities infringe claim 2 of the '173 Patent as they perform the method of claim 1 and the preview of the first media element comprises a still image. *See* Exhibit F-1, Figs. 1-21.

79. The Accused Instrumentalities infringe claim 3 of the '173 Patent as they perform the method of claim 1 and includes a preview of the first media element which comprises a still image. Exhibit F-1, Figs. 1-21.

80. The Accused Instrumentalities infringe claim 5 of the '173 Patent as they perform the method of claim 1 and further receives a selection from the subscriber station of the corresponding video media element and services the selection by causing presentation of the corresponding video media element on the subscriber station. *See* Exhibit F-1, Figs. 1-21.

81. The Accused Instrumentalities infringe claim 6 of the '173 Patent as they perform the method of claim 1 and further receives a selection from the subscriber station of one of the plurality of second video media and services the selection by causing presentation of the selected one of the plurality of second video media elements on the subscriber station. *See* Exhibit F-1, Figs. 1-21.

82. The Accused Instrumentalities infringe claim 7 of the '173 Patent as they perform the method of claim 1 and further receives a search criteria from the subscriber station and selects the first video media element and the plurality of second video media elements based upon the search criteria. *See* Exhibit F-1, Figs. 1-21.

83. The Accused Instrumentalities infringe claim 8 of the '173 Patent as they perform the method of claim 7 and further receives a selection from the subscriber station of one of the plurality of second video media elements for display in the viewing area. *See* Exhibit F-1, Figs. 1-21.

84. The Accused Instrumentalities infringe claim 9 of the '173 Patent as they perform the method of claim 1 and receiving the web page request from the subscriber station by the at least one web server includes receiving a search criteria and at least one search preference and further comprises selecting the first video media element and the plurality of second video media elements based upon the search criteria and the at least one search preference. *See* Exhibit F-1, Figs. 1-21.

85. The Accused Instrumentalities infringe claim 11 of the '173 Patent as they perform the method of claim 1 and the plurality of video media elements are selected by the at least one web server after receipt of the web page request from the subscriber station. *See* Exhibit F-1, Figs. 1-21.

86. The Accused Instrumentalities infringe claim 15 of the '173 Patent as they perform a method for presenting video media elements to a subscriber station by at least one web server by receiving a web page request from the subscriber station that includes a search criteria (*e.g.* the Bing Video search receives a web page request that includes a search criteria); retrieving a plurality of video media elements based upon the search criteria; creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface (*e.g.* Bing generates a response viewable by a user that includes a viewing area and a map area); and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Exhibit F-1, Figs 1-21.

87. The Accused Instrumentalities infringe claim 16 of the '173 Patent as they perform the method of claim 15 and further receives a selection from the subscriber station of a corresponding video media element and services the selection by causing presentation of the corresponding video media element on the subscriber station. *See* Exhibit F-1, Figs. 1-21.

88. The Accused Instrumentalities infringe claim 20 of the '173 Patent as they perform the method of claim 15 and further receives a selection from the subscriber station of one of the selected one of the plurality of second video media elements and services the selection by causing presentation of the selected one of the plurality of second video media elements on the subscriber station. *See* Exhibit F-1, Figs. 1-21.

89. The Accused Instrumentalities infringe claim 24 of the '173 Patent as they perform the method of claim 15 and at least some icons of the map area convey subjects of corresponding video media elements. *See* Exhibit F-1, Figs. 1-21.

90. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 9,083,672

91. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or Bing Music) (the "Accused Instrumentalities")) that infringe claims 14, 15, 18, and 19 of the '672 patent.

92. Upon information and belief, Defendant has been and is now infringing claims 14, 15, 18, and 19 of the '672 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the '672 Patent to the injury of Hypermedia. Defendant is directly

infringing, literally infringing, and/or infringing the '672 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '672 Patent pursuant to 35 U.S.C. § 271(a).

93. The Accused Instrumentalities infringe claim 14 of the '672 Patent as they perform a method for presenting a linear program of video elements by displaying a plurality of indicators in a map area of a display screen (*e.g.* Bing Video Search displays a plurality of potential videos in a map area); displaying a forward link indicator corresponding to a next program element of the linear program of video elements (*e.g.* Bing Video Search provides a forward link tied to a next video); selecting the next program element of the linear program of video elements in response to a user selection of the forward link indicator; and displaying the selected next program element in a viewing area of the display screen, wherein the video elements are stored on a server. *See* Exhibit G-1, Figs. 1-20.

94. The Accused Instrumentalities infringe claim 15 of the '672 Patent as they perform the method of claim 14 and in response to a user selection of one of the plurality of indicators, selecting a selected video element corresponding to one of the first, second, or third video element. *See* Exhibit G-1, Figs. 1-20.

95. The Accused Instrumentalities further infringe claim 18 of the '672 Patent as they perform the method of claim 14 and displays the linear program of video elements to a subscriber station at a user location over the internet. *See* Exhibit G-1, Figs. 1-20.

96. The Accused Instrumentalities further infringe claim 19 of the '672 Patent as they perform the method of claim 14 and receives a user search request and generates the linear program of video elements in response to a user search request. *See* Exhibit G-1, Figs. 1-20.

97. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to

compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VIII
INFRINGEMENT OF U.S. PATENT NO. 8,250,170

98. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or Bing Music) (the "Accused Instrumentalities") that infringe claims 14 and 16 of the '170 patent.

99. Upon information and belief, Defendant has been and is now infringing claim 14 and 16 of the '170 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the '170 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '170 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '170 Patent pursuant to 35 U.S.C. § 271(a).

100. The Accused Instrumentalities infringe claim 14 of the '170 Patent as they are a computer executable instructions for creating a linear web tour by, providing a hypermedia resource program of products (*e.g.* Bing Video Search displays a plurality of potential); a segment of the hypermedia resource program for display in a map area of a user interface and a corresponding image for displaying in a display area of the user interface (*e.g.* Bing Video Search provides a forward link tied to a next video); receiving a selection of a media element displaying in the segment of the hypermedia resource program to produce a selected media element (*e.g.* the user selects a link to the video); and providing another segment of the hypermedia resource program for display in the map area based on the selected media element and a selected media

element image for display in the display area (*e.g.* links to other videos are displayed in the map area and the selected video is displayed in the video player). *See* Exhibit H-1, Figs. 1-18.

101. The Accused Instrumentalities infringe claim 16 of the '170 Patent as they meet the limitations of claim 14 and also include at least one of an audio, video, graphics, text, textural, and tactile content information (*e.g.* a video file). *See* Exhibit H-1, Figs. 1-18.

102. As a result of Defendant's infringement of the '170 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT IX
INFRINGEMENT OF U.S. PATENT NO. 7,216,155

103. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or Bing Music) (the "Accused Instrumentalities") that infringe claim 1 of the '155 patent.

104. Upon information and belief, Defendant has been and is now infringing claim 1 of the '155 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale Accused Instrumentalities, covered by one or more claims of the '155 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '155 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '155 Patent pursuant to 35 U.S.C. § 271(a).

105. The Accused Instrumentalities infringe claim 1 of the '155 Patent as they are a computer executable instructions for receiving a search criteria and at least one search preference from a user (*e.g.*, a keyword and resolution preference); creating a linear Web tour, based on the

search criteria and the at least one search preference, the Web tour including a plurality of websites of the World-Wide Web that are linearly ordered by a series of forward tour links, the plurality of websites including a first website having a first base media element, a second website having a second base media element and a third website having a third base media element, the forward tour links including a first forward tour link to the second website of the linear Web tour and a second forward tour link to the third website of the linear Web tour (*e.g.*, it returns an order list of results each of which includes a forward link to the next result, the results originating from multiple source websites); downloading and displaying the first base media element of a first website of the linear Web tour in a display window of a display device at a user location (*e.g.*, it displays the first result in a display window on a computer, smartphone, or tablet); responding to commands of a user to download and display selected individual media elements of the first website of the linear Web tour on the display device (*e.g.*, when a user clicks the video, the video is downloaded for display); displaying a forward link button outside of the display window of the display device (*e.g.*, a next arrow); receiving a first signal in response to an action of the user indicating an activation of the forward link button (*e.g.*, it receives a request for the next video when a user clicks the next arrow); executing the first forward tour link to the second website of the linear Web tour including downloading and displaying the second base media element of the second website on the display device (*e.g.*, a new web pages is loaded and displayed including the second vide); responding to commands of a user to download and display selected individual media elements of the second website of the linear Web program on the display device at the user location (*e.g.*, the second video is downloaded and played); receiving a second signal in response to an action of the user indicating an activation of the forward link button; and executing the second forward tour link to the third

website of the linear Web tour including downloading and displaying the third base media element of the third website on the display device. *See* Exhibit I-1, Figs. 1-13.

106. As a result of Defendant's infringement of the '155 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT X
INFRINGEMENT OF U.S. PATENT NO. 9,772,814

107. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or Bing Music) (the "Accused Instrumentalities") that infringes claims 14, 15, 16, 17, 18, and 20 of the '814 patent.

108. Upon information and belief, Defendant has been and is now infringing claims 14, 15, 16, 17, 18, and 20 of the '814 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale Accused Instrumentalities, covered by one or more claims of the '814 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '814 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '814 Patent pursuant to 35 U.S.C. § 271(a).

109. The Accused Instrumentalities infringe claim 14 of the '814 Patent as they practice a method for presenting a linear program of video elements, the linear program including a first video element, a second video element and a third video element the method comprising; sending data for displaying a plurality of indicators in a map area of a display screen, each of the plurality of indicators representing a corresponding one of the first video element, the second video element

or the third video element, wherein the plurality of indicators includes at least one of: text, icons or graphical depictions (*e.g.* a video file); sending data for displaying a forward link indicator corresponding to a next program element of the linear program of video elements. (*e.g.*, it sends data for displaying a forward link indicator corresponding to a next program element); selecting, by a server, the next program element of the linear program of video elements in response to a user selection of the forward link indicator (*e.g.* Bing providing a forward link to the next media element and displaying the next media element in response to a user selection of the forward link indicator); sending data for displaying the selected next program element in a viewing area(*e.g.* Bing Video Search sends data for displaying the selected next program element in a viewing area) of the display screen (*e.g.*, it displays the data in a display window on a computer, smartphone, or tablet); wherein the first video element, the second video element and the third video element are stored on the server (*e.g.* the Bing server stores the first video element, the second video element, and the third video element). *See* Exhibit J-1, Figs. 1-18.

110. The Accused Instrumentalities infringe claim 15 of the '814 Patent as they practice the method of claim 14 further and in response to a user selection of one of the plurality of indicators, selecting a selected video element corresponding to one of, the first video element, the second video element or the third video element. *See* Exhibit J-1, Figs. 1-18.

111. The Accused Instrumentalities infringe claim 16 of the '814 Patent as they practice the method of claim 14 further and in response to a user selection of one of the plurality of indicators, highlighting the corresponding one of, the first video element, the second video element or the third video element. *See* Exhibit J-1, Figs. 1-18.

112. The Accused Instrumentalities infringe claim 17 of the '814 Patent as they practice the method of claim 14 further comprising: displaying a backward link indicator corresponding to

a previous program element of a linear program of video elements. (*e.g.*, Bing providing a backward link corresponding to a previous program element). *See* Exhibit J-1, Figs. 1-18.

113. The Accused Instrumentalities infringe claim 18 of the '814 Patent as they practice the method of claim 14 further comprising: sending data for displaying the linear program of video elements to a subscriber station at a user location over an Internet. (*e.g.*, Bing video search sends to a user video search results). *See* Exhibit J-1, Figs. 1-18.

114. The Accused Instrumentalities infringe claim 20 of the '814 Patent as they practice a method for navigating a linear Web program wherein the linear Web program includes a plurality of addresses that correspond to a plurality of media elements of a World Wide Web, wherein the plurality of addresses are ordered in the linear Web program in accordance with a linear sequence, and wherein the linear Web program and the plurality of media elements are stored on a network node (*e.g.*, Bing video search sends to a user video search results); sending data from the network node to display, in a display window of a display device of a subscriber station at a user location, a first media element of the plurality of media elements, the first media element having a forward link to a second media element of the linear Web program (*e.g.*, Bing presenting a second media element after receiving a second signal); sending the linear Web program from the network node to the subscriber station (*e.g.*, Bing video search sends a plurality of video elements); when the first media element is displayed in the display window (*e.g.*, it displays the first result in a display window on a computer, smartphone, or tablet), receiving a first signal in response to an action of the user indicating a first forward link activation, and in response to the first signal, sending data from the network node to display in the display window, the second media element of the linear Web program, the second media element having a forward link to a third media element of the linear Web program (*e.g.*, Bing presenting a second media element after receiving a second signal);

and when the second media element is displayed in the display window, receiving a second signal in response to an action of the user indicating a second forward link activation, and in response to the second signal, sending data from the network node to display in the display window, the third media element of the linear Web program (*e.g.*, Bing presenting a second media element after receiving a second signal). *See* Exhibit J-1, Figs. 1-18.

115. As a result of Defendant's infringement of the '814 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT XI
WILLFUL INFRINGEMENT

116. Defendant has willfully infringed the Asserted Patents, or at least the Charted Patents, in connection with the Accused Instrumentalities.

117. Defendant's conduct in making, using, selling, offering to sell and/or importing the Accused Instrumentalities directly infringes multiple claims of the Asserted Patents pursuant to 35 U.S.C. § 271(a).

118. Defendant had knowledge of the Asserted Patents and of the fact that the Accused Instrumentalities were made or adapted for use in infringement of the Asserted Patents.

119. Defendant had knowledge of the Asserted Patents prior to this lawsuit. Defendant failed to provide any material, description, reasoning, or evidence of non-infringement or invalidity of the Asserted Patents. Defendant continued using the Accused Instrumentalities regardless of its knowledge of infringement. Accordingly, Defendant's infringement is and has been willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, and fraudulent. Thus, Hypermedia sues for willful infringement of the Asserted Patents.

120. As a result of Defendant's willful infringement of the Asserted Patents, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount three times the compensatory damages, in accordance with 35 U.S.C. § 284.

JURY DEMAND

Hypermedia hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

Hypermedia requests that the Court find in their favor and against Defendant, and that the Court grant Hypermedia the following relief:

a. Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. Judgment that Defendant accounts for and pay to Hypermedia all damages and costs incurred by Hypermedia, caused by Defendant's infringing activities and other conduct complained of herein;

c. Judgment that Defendant's infringement was willful and ordering Defendant to pay Hypermedia increased damages of three times the compensatory damages, in accordance with 35 U.S.C. § 284;

d. That Hypermedia be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award Hypermedia reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. That Hypermedia be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED November 22, 2017.

Respectfully submitted,

By: /s/ Hao Ni

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**ATTORNEYS FOR PLAINTIFF
HYPERMEDIA NAVIGATION LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2017, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Hao Ni
Hao Ni