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*Attorneys for Plaintiff*  
*Hypermedia Navigation LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**HYPERMEDIA NAVIGATION LLC,**

Plaintiff,

v.

**MICROSOFT CORPORATION,**

Defendant.

Case No. 4:18-CV-00670-HSG

**SECOND AMENDED AND  
SUPPLEMENTAL COMPLAINT**

**JURY TRIAL DEMANDED**

**SECOND AMENDED AND SUPPLEMENTAL 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.



1  
2 radio programs, concert viewings, which were increasingly unorganized with virtually unlimited  
3 number of choices, for example, searching for a content on the search term “President” in December  
4 1998 on www.Facebook.com would yield non-linear results.

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

8   JUL DEC JAN  
9  12  
10 1997 1998 2000

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12 [Yahoo! Games](#)  [Yahoo! Travel](#)  
chess, hearts, spades book a flight

13   [options](#)

14 [Yahoo! Mail](#) - free email account - use it from home, school, work

15 [Yellow Pages](#) - [People Search](#) - [Maps](#) - [Classifieds](#) - [Personals](#) - [Chat](#) - [Email](#)  
[Shopping](#) - [My Yahoo!](#) - [News](#) - [Sports](#) - [Weather](#) - [Stock Quotes](#) - [more...](#)

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29 [What's New](#) - [Weekly Picks](#) - [Today's Web Events](#) - [Yahoo! Internet Life](#)  
[Yahoo!igans!](#) for Kids - [Visa Shopping Guide](#) - [Yahoo! Style](#) - [3D Stock Viewer](#)

30 [World Yahoos](#) [Australia & NZ](#) - [Canada](#) - [Denmark](#) - [France](#) - [Germany](#) - [Japan](#) - [Korea](#)  
[Norway](#) - [SE Asia](#) - [Sweden](#) - [UK & Ireland](#)

31 [Yahoo! Metros](#) [Atlanta](#) - [Austin](#) - [Boston](#) - [Chicago](#) - [Dallas / Fort Worth](#) - [Los Angeles](#)  
[Get Local](#) [Miami](#) - [Minneapolis / St. Paul](#) - [New York](#) - [S.F. Bay](#) - [Seattle](#) - [Wash D.C.](#)

32 [Smart Shopping with](#) 

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33 [How to Suggest a Site](#) - [Company Info](#) - [Openings at Yahoo!](#) - [Contributors](#) - [Yahoo! How-To](#)

1  
2 8. Search results through browsers were lists of links with no linear navigation for  
3 media elements such as videos, images, and/or audio files or websites, for example, a search result  
4 for president would look like this in 1999:

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The screenshot shows a Yahoo! search results page for the query 'president'. The search bar at the top contains the text 'president' and a search button. Below the search bar, there is a navigation bar with tabs for 'Categories', 'Web Sites', 'Web Pages', 'Related News', and 'Net Events'. The main content area displays a list of search results, each with a category and a link. The results include links to news articles, websites, and other resources related to the Clinton administration and presidential elections. At the bottom of the page, there is a search bar with the text 'president' and a search button, along with a copyright notice for 1999-1999 Yahoo! Inc.

20 9. The Hypermedia patents solved this problem by creating a linear navigation  
21 resource program to navigate media elements by pulling multiple media elements from multiple  
22 hypermedia resources from multiple remote information nodes and provides them to the subscriber  
23 station through an interface which provides presentation of a media element and a linear navigation  
24 through a path of additional media elements. The inventive linear navigation resource program  
25 permits a user to view media content and filter search results from a plurality of websites without  
26 having to leave the website.

27  
28 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

1  
2 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and  
3 correct copy of the ’323 patent is attached hereto as Exhibit A.

4 11. On June 3, 2008, United States Patent No. 7,383,324 (the “’324 Patent”) was duly  
5 and legally issued by the United States Patent and Trademark Office for an invention titled “System  
6 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and  
7 correct copy of the ’324 patent is attached hereto as Exhibit B.

8  
9 12. On September 9, 2008, United States Patent No. 7,424,523 (the “’523 Patent”) was  
10 duly and legally issued by the United States Patent and Trademark Office for an invention titled  
11 “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true  
12 and correct copy of the ’523 patent is attached hereto as Exhibit C.

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

18  
19 14. On August 3, 2010, United States Patent No. 7,769,830 (the “’830 Patent”) was duly  
20 and legally issued by the United States Patent and Trademark Office for an invention titled “System  
21 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and  
22 correct copy of the ’830 patent is attached hereto as Exhibit E.

23  
24 15. On August 21, 2012, United States Patent No. 8,250,173 (the “’173 Patent”) was  
25 duly and legally issued by the United States Patent and Trademark Office for an invention titled  
26 “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true  
27 and correct copy of the ’173 patent is attached hereto as Exhibit F.

28  
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

1  
2 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and  
3 correct copy of the ’672 patent is attached hereto as Exhibit G.

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

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

13  
14         19.     On September 26, 2017, United States Patent No. 9,772,814 (the “’814 Patent”) was  
15 duly and legally issued by the United States Patent and Trademark Office for an invention titled  
16 “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true  
17 and correct copy of the ’814 patent is attached hereto as Exhibit J.

18         20.     On January 9, 2018, United States Patent No. 9,864,575 (the “’575 Patent”) was  
19 duly and legally issued by the United States Patent and Trademark Office for an invention titled  
20 “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true  
21 and correct copy of the ’575 patent is attached hereto as Exhibit K.

22  
23         21.     The ’323 Patent, the ’324 Patent, the ’523 Patent, the ’144 Patent, the ’830 Patent,  
24 the ’173 Patent, the ’672 Patent, the ’170 Patent, the ’155 Patent, the ’814 Patent, and the ’575  
25 Patent are collectively referred to as the “Asserted Patents.”

26         22.     Hypermedia is the owner of the Asserted Patents with all rights in and to the  
27 Asserted Patents.  
28

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2           23.     Upon information and belief, to the extent any marking was required by 35 U.S.C.  
3 § 287 with regards to the Asserted Patents, Hypermedia has complied with such requirements.

4                                   **WILLFUL INFRINGEMENT BY MICROSOFT**

5           24.     On October 19, 2016, Hypermedia’s entire patent portfolio was presented to  
6 Defendant.

7  
8           25.     Prior to the filing of this Complaint, Hypermedia presented its entire patent portfolio  
9 to Defendant, which includes the Asserted Patents that had issued at the time. Furthermore, detailed  
10 infringement charts regarding U.S. Patent Nos. 7,383,323, 7,383,324, 7,487,144, 8,250,173, and  
11 9,083,672 were included.

12           26.     Detailed infringement charts including independent and dependent claims of the  
13 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  
14 “Charted Patents”) were sent to Defendant on May 4, 2017.

15  
16           27.     Hypermedia and Defendant negotiated for a license to Hypermedia’s patent  
17 portfolio but were unable to reach an agreement.

18           28.     Defendant provided no material, description, or evidence of non-infringement or  
19 invalidity of any of Hypermedia’s patents.

20           29.     Hypermedia presented specific evidence of the Bing search engine and/or Bing  
21 video search and/or Bing Music infringement of the Charted Patents to Defendant demonstrating  
22 how the Accused Instrumentalities met each limitation of the charted claims. Thus, Defendant was  
23 both aware of the Asserted Patents and the Charted Patents and had been shown by Hypermedia  
24 that its products infringed the Asserted Patents. Thus, Defendant has willfully infringed the  
25 Asserted Patents.

26  
27           30.     Furthermore, Defendant intentionally infringed the Asserted Patents by making,  
28 using, and/or selling the Accused Instrumentalities within the United States.

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

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4 31. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
5 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search, as  
6 well as Yahoo Search powered by Bing and Yahoo Video Search powered by Bing) (the “Accused  
7 Instrumentalities”) that infringe claims 10, 11, 12, 17, 28, 29 and 30 of the ’323 patent.

8 32. Upon information and belief, Defendant has been and is now infringing claims 10,  
9 11, 12, and 17, 28, 29 and 30 of the ’323 Patent in the State of California, in this Judicial District,  
10 and elsewhere in the United States, by, among other things, directly or through intermediaries,  
11 making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities,  
12 covered by one or more claims of the ’323 Patent to the injury of Hypermedia. Defendant is directly  
13 infringing, literally infringing, and/or infringing the ’323 Patent under the doctrine of equivalents.  
14 Defendant is thus liable for infringement of the ’323 Patent pursuant to 35 U.S.C. § 271(a).  
15

16 33. When placed into operation by Defendant or its end users, the Accused  
17 Instrumentalities infringe claim 10 of the ’323 Patent as they perform a method for presenting video  
18 media elements to a subscriber station by receiving request from the subscriber station to present  
19 at least one video element to the subscriber (*e.g.* Bing receives a request from a user for presenting  
20 video media elements results); selecting a plurality of video media elements for presentation the  
21 subscriber station (*e.g.* Bing video search selects a plurality of video elements); creating a file for  
22 use by the subscriber station to create a user interface (*e.g.* Bing video search presents a viewing  
23 area of a user selected video); and transmitting the file to the subscriber station. *See* Exhibits A-1,  
24 Figs. 1-15, A-2 Figs. 1-16.  
25

26 34. When placed into operation by Defendant or its end users, the Accused  
27 Instrumentalities infringe claim 11 of the ’323 Patent as they perform the method of claim 10 and  
28 receiving the request from the subscriber station includes receiving a search criteria and selecting



1  
2 the plurality of video media elements includes selecting the plurality of video media elements based  
3 upon the search criteria (*e.g.* Bing selects videos based on search terms). *See* Exhibits A-1, Figs.  
4 1-15, A-2 Figs. 1-16.

5         35. When placed into operation by Defendant or its end users, the Accused  
6 Instrumentalities infringe claim 12 of the '323 Patent as they perform the method of claim 10 and  
7 receiving the request from the subscriber station includes receiving a search criteria and at least one  
8 search preference and selecting the plurality of video media elements includes selecting the  
9 plurality of video media elements based upon the search criteria and the at least one search  
10 preference. *See* Exhibits A-1, Figs. 1-15, A-2 Figs. 1-16.

11         36. When placed into operation by Defendant or its end users, the Accused  
12 Instrumentalities infringe claim 17 of the '323 Patent as they perform the method of claim 10 and  
13 each of the plurality of video media elements for presentation to the subscriber station resides on a  
14 common Web Site. *See* Exhibits A-1, Figs. 1-15, A-2 Figs. 1-16.

15         37. The Accused Instrumentalities infringe claim 28 of the '323 Patent as they comprise  
16 a computer readable medium tangibly comprising computer executable instructions for receiving a  
17 request from the subscriber station to present at least one video media element; select a plurality of  
18 video elements for presentation; the plurality of video elements including a first video media  
19 element and a plurality of second video media elements; create a file for use by the subscriber  
20 station to create a user interface that includes a viewing area and a map area. *See* Exhibits A-1,  
21 Figs. 1-15, A-2 Figs. 1-16.

22         38. The Accused Instrumentalities infringe claim 29 of the '323 Patent as they comprise  
23 a computer readable medium tangibly comprising computer executable instructions for performing  
24 the steps of claim 28 and instructions for receiving the request from a subscriber station including  
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2 43. When placed into operation by Defendant or its end users, the Accused  
3 Instrumentalities infringe claim 1 of the '324 Patent as they perform a method for presenting video  
4 media elements to a subscriber station by receiving request from the subscriber station to present  
5 at least one video element to the subscriber (*e.g.* Bing receives a request from a user for presenting  
6 video media elements results); selecting a plurality of video media elements for presentation the  
7 subscriber station (*e.g.* Bing video search selects a plurality of video elements); creating a file for  
8 use by the subscriber station to create a user interface (*e.g.* Bing video search presents a viewing  
9 area of a user selected video); and transmitting the file to the subscriber station. *See* Exhibits B-1,  
10 Figs. 1-21, B-2 Figs. 1-14.  
11

12 44. When placed into operation by Defendant or its end users, the Accused  
13 Instrumentalities infringe claim 2 of the '324 Patent as they perform the method of claim 1 and  
14 include a first and second plurality of video media elements which are associated with the website.  
15 *See* Exhibits B-1, Figs. 1-21, B-2 Figs. 1-14.  
16

17 45. When placed into operation by Defendant or its end users, the Accused  
18 Instrumentalities infringe claim 4 of the '324 Patent as they perform the method of claim 1 and  
19 receive search criteria from the user and select the second plurality of video elements using the  
20 search term. *See* Exhibits B-1, Figs. 1-21, B-2 Figs. 1-14.  
21

22 46. When placed into operation by Defendant or its end users, the Accused  
23 Instrumentalities infringe claim 5 of the '324 Patent as they perform the method of claim 1 and  
24 receive the request from a user of a search criteria and select the second plurality of video media  
25 elements based on the search criteria and at least one search preference such as resolution. *See*  
26 Exhibits B-1, Figs. 1-21, B-2 Figs. 1-14.  
27

28 47. 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

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

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

6 48. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
7 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
8 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered  
9 by Bing (the "Accused Instrumentalities)) that infringe claims 6, 7, 11, and 12 of the '523 Patent.

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

17 50. When placed into operation by Defendant or its end users, the Accused  
18 Instrumentalities infringe claim 6 of the '523 Patent as they perform a method for navigating a  
19 linear Web program by sending data from a remote information node to display, on a display device  
20 at a user location, a first media element of the plurality of media elements from the single Website  
21 (*e.g.* Bing video search sends to a user video search results); the first media element having a  
22 forward link to a second media element of the linear Web program, and to display a forward link  
23 indicator on the display device; receiving a first signal in response to an action of the user indicating  
24 an activation of the forward link indicator, and in response to the activation of the forward link  
25 indicator, sending data from the remote information node to display on the display device (*e.g.* Bing  
26 providing a forward link to the next media element and displaying the next media element); and  
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1  
2 receiving a second signal in response to an action of the user indicating an activation of the forward  
3 link indicator, and in response to the activation of the forward link indicator, sending data from the  
4 remote information node to display on the display device, the third media element of the linear Web  
5 program (*e.g.* Bing presenting a third media element after receiving a second signal). *See* Exhibits  
6 C-1, Figs. 1-21, C-2 Figs. 1-10.

7  
8 51. When placed into operation by Defendant or its end users, the Accused  
9 Instrumentalities infringe claim 7 of the '523 Patent as they perform the method of claim 6 and  
10 includes a forward button. *See* Exhibits C-1, Figs. 1-21, C-2 Figs. 1-10.

11 52. When placed into operation by Defendant or its end users, the Accused  
12 Instrumentalities infringe claim 11 of the '523 Patent as they perform the method of claim 6 and  
13 stores the web site at a remote node, *e.g.*, a server. *See* Exhibits C-1, Figs. 1-21, C-2 Figs. 1-10.

14 53. When placed into operation by Defendant or its end users, the Accused  
15 Instrumentalities infringe claim 12 of the '523 Patent as they perform the method of claim 11 and  
16 sends the website to a user's display device, *e.g.*, a computer, tablet, or smartphone. *See* Exhibits  
17 C-1, Figs. 1-21, C-2 Figs. 1-10.

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

22  
23  
24 **COUNT IV**  
25 **INFRINGEMENT OF U.S. PATENT NO. 7,478,144**

26 55. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
27 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
28 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered

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2 by Bing (the “Accused Instrumentalities)) that infringe claims 40, 44, 45, 47, and 49 of the ’144  
3 patent.

4           56.     Upon information and belief, Defendant has been and is now infringing claims 40,  
5 44, 45, 47, and 49 of the ’144 Patent in the State of California, in this Judicial District, and  
6 elsewhere in the United States, by, among other things, directly or through intermediaries, making,  
7 using, importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered  
8 by one or more claims of the ’144 Patent to the injury of Hypermedia. Defendant is directly  
9 infringing, literally infringing, and/or infringing the ’144 Patent under the doctrine of equivalents.  
10 Defendant is thus liable for infringement of the ’144 Patent pursuant to 35 U.S.C. § 271(a).  
11

12           57.     When placed into operation by Defendant or its end users, the Accused  
13 Instrumentalities infringe claim 40 of the ’144 Patent as they perform the method of claim 39 and  
14 the user interface includes a viewing area in which at least one image of the plurality of found video  
15 media elements is presented and a map area in which information regarding some of the plurality  
16 of found video media elements is presented. *See* Exhibits D-1, Figs. 1-22, D-2 Figs. 1-15.  
17

18           58.     When placed into operation by Defendant or its end users, the Accused  
19 Instrumentalities infringe claim 44 of the ’144 Patent as they perform a method for performing a  
20 search for media elements and for providing the media elements to a subscriber station by receiving  
21 a search request from the subscriber station to perform a search for media elements (*e.g.* Bing  
22 receives a search request from a user); searching for media elements based upon the search request  
23 to produce a plurality of found media elements (*e.g.* Bing searches and produces a plurality of video  
24 search results); selecting, from the plurality of found media elements, a first media element;  
25 selecting from the plurality of found media elements, a plurality of second media elements (*e.g.*  
26 Bing video search provides a linear result of a first media element as well as a plurality of second  
27 media elements); and creating a file for use by the subscriber station to create a user interface (*e.g.*  
28

1  
2 Bing video search creates a return of results in a user interface format). *See* Exhibits D-1, Figs. 1-  
3 22, D-2 Figs. 1-15.

4 59. When placed into operation by Defendant or its end users, the Accused  
5 Instrumentalities infringe claim 45 of the '144 Patent as they perform the method of claim 44 and  
6 also receives a map selection area request from the user corresponding to a second media element,  
7 selects a plurality of third media elements, and creates another webpage for the user that includes  
8 a viewing area presenting the second media element and a map area including information  
9 regarding the third media elements, *e.g.*, when the user clicks on a second video, a new web page  
10 is created displaying the second video and a map area including a third set of videos. *See* Exhibits  
11 D-1, Figs. 1-22, D-2 Figs. 1-15.

12 13 60. When placed into operation by Defendant or its end users, the Accused  
14 Instrumentalities infringe claim 47 of the '144 Patent as they perform the method of claim 44 and  
15 the media elements reside on different websites. *See* Exhibits D-1, Figs. 1-22, D-2 Figs. 1-15.

16 17 61. When placed into operation by Defendant or its end users, the Accused  
18 Instrumentalities infringe claim 49 of the '144 Patent as they perform the method of claim 44 and  
19 where the map area and display do not overlap. *See* Exhibits D-1, Figs. 1-22, D-2 Figs. 1-15.

20 21 62. As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered  
22 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
23 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
24 invention by Defendant, together with interest and costs as fixed by the court.

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

27 63. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
28 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered

1  
2 by Bing (the “Accused Instrumentalities)) that infringe claims 1, 2, 3, 4, 5, 7, 12, 15, 16, 18, and  
3 24 of the ’830 patent.

4           64.     Upon information and belief, Defendant has been and is now infringing claims 1, 2,  
5 3, 4, 5, 7, 12, 15, 16, 18 and 24 of the ’830 Patent in the State of California, in this Judicial District,  
6 and elsewhere in the United States, by, among other things, directly or through intermediaries,  
7 making, using, importing, providing, selling and/or offering for sale the Accused Instrumentalities,  
8 covered by one or more claims of the ’830 Patent to the injury of Hypermedia. Defendant is directly  
9 infringing, literally infringing, and/or infringing the ’830 Patent under the doctrine of equivalents.  
10 Defendant is thus liable for infringement of the ’830 Patent pursuant to 35 U.S.C. § 271(a).  
11

12           65.     When placed into operation by Defendant or its end users, the Accused  
13 Instrumentalities infringe claim 1 of the ’830 Patent as they perform a method for operating at least  
14 one web server to present video media elements to a subscriber station by receiving a web page  
15 request from the subscriber station (*e.g.* the Bing server receives a request from a user); in response  
16 to receiving the web page request, the at least one web server creating at least one web page for use  
17 by a browser of the subscriber station to produce a user interface at the subscriber station that  
18 includes a viewing area and a map area (*e.g.* Bing generates a response viewable by a user that  
19 includes a viewing area and a map area); and responding to the web page request by the at least one  
20 web server by initiating download of the at least one web page to the subscriber station . *See*  
21 Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.  
22

23           66.     When placed into operation by Defendant or its end users, the Accused  
24 Instrumentalities infringe claim 2 of the ’830 Patent as they perform the method of claim 1 and  
25 receiving the web page request from the subscriber station includes the at least one web server  
26 receiving a search criteria and the at least one web server selecting the first video media element  
27  
28



1  
2 and the plurality of second video media elements based upon the search criteria (*e.g.* Bing selects  
3 videos based on the search term). *See* Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.

4           67. When placed into operation by Defendant or its end users, the Accused  
5 Instrumentalities infringe claim 3 of the '830 Patent as they perform the method of claim 1 and  
6 further receives a search criteria by the at least one web server from the subscriber station and  
7 selects the first video media element and the plurality of second video media elements by the at  
8 least one web server based upon the search criteria. *See* Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.

9  
10           68. When placed into operation by Defendant or its end users, the Accused  
11 Instrumentalities infringe claim 4 of the '830 Patent as they perform the method of claim 1 and  
12 receives a selection from the subscriber station of one of the plurality of second video media  
13 elements for display in the viewing area by the at least one web server. *See* Exhibits E-1, Figs. 1-  
14 22, E-2 Figs. 1-18.

15  
16           69. When placed into operation by Defendant or its end users, the Accused  
17 Instrumentalities infringe claim 5 of the '830 Patent as they perform the method of claim 1 and also  
18 receives the web pages requires from the user including a search term and preference, *e.g.*, a  
19 keyword and a resolution, and selects the first and second video media elements based on the search  
20 term and preference. *See* Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.

21  
22           70. When placed into operation by Defendant or its end users, the Accused  
23 Instrumentalities infringe claim 7 of the '830 Patent as they perform the method of claim 1 and also  
24 selects the plurality of first video elements after receipt of the webpage request, *e.g.*, the videos are  
25 selected based on the user's search request. *See* Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.

26           71. When placed into operation by Defendant or its end users, the Accused  
27 Instrumentalities infringe claim 12 of the '830 Patent as they perform the method of claim 1 and at  
28

1  
2 least some icons of the map area convey subjects corresponding to second video media elements.  
3 *See Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.*

4           72. When placed into operation by Defendant or its end users, the Accused  
5 Instrumentalities infringe claim 15 of the '830 Patent as they perform a method for presenting video  
6 media elements to a subscriber station by at least one web server by creating at least one web page  
7 by the at least one web server for use by a browser of the subscriber station to produce a user  
8 interface at the subscriber station that includes a viewing area in which a first video media element  
9 is presented and a map area in which a plurality of icons are presented (*e.g.* Bing creates a web  
10 page for use by the subscriber station), each icon representative of a corresponding one of a plurality  
11 of second video media elements; receiving a web page request from the subscriber station; and  
12 responding to the web page request by initiating download of the at least one web page to the  
13 subscriber station. *See Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.*

14  
15  
16           73. When placed into operation by Defendant or its end users, the Accused  
17 Instrumentalities infringe claim 16 of the '830 Patent as they perform the method of claim 15 and  
18 the plurality of video media elements are selected by the web server after receipt of the web page  
19 request from the subscriber station. *See Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.*

20           74. When placed into operation by Defendant or its end users, the Accused  
21 Instrumentalities infringe claim 18 of the '830 Patent as they perform the method of claim 15 and  
22 further receives a search criteria and selects the first video media element and the plurality of second  
23 video media elements by based upon the search criteria (*e.g.* Bing selects videos based on a search  
24 term). *See Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.*

25  
26           75. When placed into operation by Defendant or its end users, the Accused  
27 Instrumentalities infringe claim 24 of the '830 Patent as they perform the method of claim 15 and  
28

1  
2 at least some icons of the map area convey subjects of corresponding second video media elements.  
3 See Exhibits E-1, Figs. 1-22, E-2 Figs. 1-18.

4 76. As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered  
5 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
6 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
7 invention by Defendant, together with interest and costs as fixed by the court.  
8

9  
10 **COUNT VI**  
**INFRINGEMENT OF U.S. PATENT NO. 8,250,173**

11 77. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
12 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
13 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered  
14 by Bing (the "Accused Instrumentalities)) that infringe claims 1, 2, 3, 5, 6, 7, 8, 9, 11, 15, 16, 20,  
15 and 24 of the '173 patent.

16 78. Upon information and belief, Defendant has been and is now infringing claims 1, 2,  
17 3, 5, 6, 7, 8, 9, 11, 15, 16, 20, and 24 of the '173 Patent in the State of California, in this Judicial  
18 District, and elsewhere in the United States, by, among other things, directly or through  
19 intermediaries, making, using, importing, providing, selling and/or offering for sale the Accused  
20 Instrumentalities, covered by one or more claims of the '173 Patent to the injury of Hypermedia.  
21 Defendant is directly infringing, literally infringing, and/or infringing the '173 Patent under the  
22 doctrine of equivalents. Defendant is thus liable for infringement of the '173 Patent pursuant to 35  
23 U.S.C. § 271(a).  
24

25 79. When placed into operation by Defendant or its end users, the Accused  
26 Instrumentalities infringe claim 1 of the '173 Patent as they perform a method for operating at least  
27 one web server to present video media elements to a subscriber station by receiving a web page  
28 request from the subscriber station (*e.g.* the Bing server receives a request from a user); in response

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2 to receiving the web page request, the at least one web server accessing a web page for use by a  
3 browser of the subscriber station to produce a user interface at the subscriber station (*e.g.* Bing  
4 generates a response viewable by a user that includes a viewing area and a map area) and responding  
5 to the web page request by the at least one web server by initiating download of the at least one  
6 web page to the subscriber station. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

7  
8 80. When placed into operation by Defendant or its end users, the Accused  
9 Instrumentalities infringe claim 2 of the '173 Patent as they perform the method of claim 1 and the  
10 preview of the first media element comprises a still image. *See* Exhibits F-1, Figs. 1-25, F-2 Figs.  
11 1-18.

12 81. When placed into operation by Defendant or its end users, the Accused  
13 Instrumentalities infringe claim 3 of the '173 Patent as they perform the method of claim 1 and  
14 includes a preview of the first media element which comprises a still image. *See* Exhibits F-1, Figs.  
15 1-25, F-2 Figs. 1-18.

16  
17 82. When placed into operation by Defendant or its end users, the Accused  
18 Instrumentalities infringe claim 5 of the '173 Patent as they perform the method of claim 1 and  
19 further receives a selection from the subscriber station of the corresponding video media element  
20 and services the selection by causing presentation of the corresponding video media element on the  
21 subscriber station. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

22  
23 83. When placed into operation by Defendant or its end users, the Accused  
24 Instrumentalities infringe claim 6 of the '173 Patent as they perform the method of claim 1 and  
25 further receives a selection from the subscriber station of one of the plurality of second video media  
26 and services the selection by causing presentation of the selected one of the plurality of second  
27 video media elements on the subscriber station. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.  
28

1  
2 84. When placed into operation by Defendant or its end users, the Accused  
3 Instrumentalities infringe claim 7 of the '173 Patent as they perform the method of claim 1 and  
4 further receives a search criteria from the subscriber station and selects the first video media  
5 element and the plurality of second video media elements based upon the search criteria. *See*  
6 Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

7  
8 85. When placed into operation by Defendant or its end users, the Accused  
9 Instrumentalities infringe claim 8 of the '173 Patent as they perform the method of claim 7 and  
10 further receives a selection from the subscriber station of one of the plurality of second video media  
11 elements for display in the viewing area. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

12 86. When placed into operation by Defendant or its end users, the Accused  
13 Instrumentalities infringe claim 9 of the '173 Patent as they perform the method of claim 1 and  
14 receiving the web page request from the subscriber station by the at least one web server includes  
15 receiving a search criteria and at least one search preference and further comprises selecting the  
16 first video media element and the plurality of second video media elements based upon the search  
17 criteria and the at least one search preference. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

18  
19 87. When placed into operation by Defendant or its end users, the Accused  
20 Instrumentalities infringe claim 11 of the '173 Patent as they perform the method of claim 1 and  
21 the plurality of video media elements are selected by the at least one web server after receipt of the  
22 web page request from the subscriber station. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

23  
24 88. When placed into operation by Defendant or its end users, the Accused  
25 Instrumentalities infringe claim 15 of the '173 Patent as they perform a method for presenting video  
26 media elements to a subscriber station by at least one web server by receiving a web page request  
27 from the subscriber station that includes a search criteria (*e.g.* the Bing Video search receives a web  
28 page request that includes a search criteria); retrieving a plurality of video media elements based

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2 upon the search criteria; creating at least one web page by the at least one web server for use by a  
3 browser of the subscriber station to produce a user interface (*e.g.* Bing generates a response  
4 viewable by a user that includes a viewing area and a map area); and responding to the web page  
5 request by the at least one web server by initiating download of the at least one web page to the  
6 subscriber station. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

7  
8 89. When placed into operation by Defendant or its end users, the Accused  
9 Instrumentalities infringe claim 16 of the '173 Patent as they perform the method of claim 15 and  
10 further receives a selection from the subscriber station of a corresponding video media element and  
11 services the selection by causing presentation of the corresponding video media element on the  
12 subscriber station. *See* Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

13  
14 90. When placed into operation by Defendant or its end users, the Accused  
15 Instrumentalities infringe claim 20 of the '173 Patent as they perform the method of claim 15 and  
16 further receives a selection from the subscriber station of one of the selected one of the plurality of  
17 second video media elements and services the selection by causing presentation of the selected one  
18 of the plurality of second video media elements on the subscriber station. *See* Exhibits F-1, Figs.  
19 1-25, F-2 Figs. 1-18.

20  
21 91. When placed into operation by Defendant or its end users, the Accused  
22 Instrumentalities infringe claim 24 of the '173 Patent as they perform the method of claim 15 and  
23 at least some icons of the map area convey subjects of corresponding video media elements. *See*  
24 Exhibits F-1, Figs. 1-25, F-2 Figs. 1-18.

25  
26 92. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered  
27 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
28 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**

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4 93. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
5 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
6 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered  
7 by Bing (the “Accused Instrumentalities)) that infringe claims 14, 15, 18, and 19 of the ’672 patent.

8 94. Upon information and belief, Defendant has been and is now infringing claims 14,  
9 15, 18, and 19 of the ’672 Patent in the State of California, in this Judicial District, and elsewhere  
10 in the United States, by, among other things, directly or through intermediaries, making, using,  
11 importing, providing, selling and/or offering for sale the Accused Instrumentalities, covered by one  
12 or more claims of the ’672 Patent to the injury of Hypermedia. Defendant is directly infringing,  
13 literally infringing, and/or infringing the ’672 Patent under the doctrine of equivalents. Defendant  
14 is thus liable for infringement of the ’672 Patent pursuant to 35 U.S.C. § 271(a).

15  
16 95. When placed into operation by Defendant or its end users, the Accused  
17 Instrumentalities infringe claim 14 of the ’672 Patent as they perform a method for presenting a  
18 linear program of video elements by displaying a plurality of indicators in a map area of a display  
19 screen (*e.g.* Bing Video Search displays a plurality of potential videos in a map area); displaying a  
20 forward link indicator corresponding to a next program element of the linear program of video  
21 elements (*e.g.* Bing Video Search provides a forward link tied to a next video); selecting the next  
22 program element of the linear program of video elements in response to a user selection of the  
23 forward link indicator; and displaying the selected next program element in a viewing area of the  
24 display screen, wherein the video elements are stored on a server. *See* Exhibits G-1, Figs. 1-23, G-  
25 2 Figs. 1-11.

26  
27  
28 96. When placed into operation by Defendant or its end users, the Accused  
Instrumentalities infringe claim 15 of the ’672 Patent as they perform the method of claim 14 and

1  
2 in response to a user selection of one of the plurality of indicators, selecting a selected video element  
3 corresponding to one of the first, second, or third video element. *See* Exhibits G-1, Figs. 1-23, G-  
4 2 Figs. 1-11.

5 97. When placed into operation by Defendant or its end users, the Accused  
6 Instrumentalities further infringe claim 18 of the '672 Patent as they perform the method of claim  
7 14 and displays the linear program of video elements to a subscriber station at a user location over  
8 the internet. *See* Exhibits G-1, Figs. 1-23, G-2 Figs. 1-11.

10 98. When placed into operation by Defendant or its end users, the Accused  
11 Instrumentalities further infringe claim 19 of the '672 Patent as they perform the method of claim  
12 14 and receives a user search request and generates the linear program of video elements in response  
13 to a user search request. *See* Exhibits G-1, Figs. 1-23, G-2 Figs. 1-11.

14 99. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered  
15 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
16 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
17 invention by Defendant, together with interest and costs as fixed by the court.

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

21 100. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
22 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
23 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered  
24 by Bing (the "Accused Instrumentalities)) that infringe claims 14 and 16 of the '170 patent.

25 101. Upon information and belief, Defendant has been and is now infringing claim 14  
26 and 16 of the '170 Patent in the State of California, in this Judicial District, and elsewhere in the  
27 United States, by, among other things, directly or through intermediaries, making, using, importing,  
28 providing, selling and/or offering for sale the Accused Instrumentalities, covered by one or more



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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).

102. 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* Exhibits H-1, Figs. 1-20, H-2 Figs. 1-10.

103. 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* Exhibits H-1, Figs. 1-20, H-2 Figs. 1-10.

104. 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**

105. 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

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2 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered  
3 by Bing (the “Accused Instrumentalities)) that infringe claim 1 of the ’155 patent.

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

11  
12           107. The Accused Instrumentalities infringe claim 1 of the ’155 Patent as they are a  
13 computer executable instructions for receiving a search criteria and at least one search preference  
14 from a user (*e.g.*, a keyword and resolution preference); creating a linear Web tour, based on the  
15 search criteria and the at least one search preference, the Web tour including a plurality of websites  
16 of the World-Wide Web that are linearly ordered by a series of forward tour links, the plurality of  
17 websites including a first website having a first base media element, a second website having a  
18 second base media element and a third website having a third base media element, the forward tour  
19 links including a first forward tour link to the second website of the linear Web tour and a second  
20 forward tour link to the third website of the linear Web tour (*e.g.*, it returns an order list of results  
21 each of which includes a forward link to the next result, the results originating from multiple source  
22 websites); downloading and displaying the first base media element of a first website of the linear  
23 Web tour in a display window of a display device at a user location (*e.g.*, it displays the first result  
24 in a display window on a computer, smartphone, or tablet); responding to commands of a user to  
25 download and display selected individual media elements of the first website of the linear Web tour  
26 on the display device (*e.g.*, when a user clicks the video, the video is downloaded for display);  
27  
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1  
2 displaying a forward link button outside of the display window of the display device (*e.g.*, a next  
3 arrow); receiving a first signal in response to an action of the user indicating an activation of the  
4 forward link button (*e.g.*, it receives a request for the next video when a user clicks the next arrow);  
5 executing the first forward tour link to the second website of the linear Web tour including  
6 downloading and displaying the second base media element of the second website on the display  
7 device (*e.g.*, a new web pages is loaded and displayed including the second vide); responding to  
8 commands of a user to download and display selected individual media elements of the second  
9 website of the linear Web program on the display device at the user location (*e.g.*, the second video  
10 is downloaded and played); receiving a second signal in response to an action of the user indicating  
11 an activation of the forward link button; and executing the second forward tour link to the third  
12 website of the linear Web tour including downloading and displaying the third base media element  
13 of the third website on the display device. *See* Exhibits I-1, Figs. 1-16, I-2 Figs. 1-12.

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15  
16 108. As a result of Defendant's infringement of the '155 Patent, Hypermedia has suffered  
17 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
18 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
19 invention by Defendant, together with interest and costs as fixed by the court.

20  
21 **COUNT X**  
**INFRINGEMENT OF U.S. PATENT NO. 9,772,814**

22 109. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
23 offers for sale products and/or systems (*i.e.*, the Bing search engine and/or Bing video search and/or  
24 Bing Music as well as the Yahoo Search powered by Bing and the Yahoo Video Search powered  
25 by Bing (the "Accused Instrumentalities)) that infringe claims 14, 15, 16, 17, 18, and 20 of the '814  
26 patent.

27  
28 110. 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 California, in this Judicial District, and

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2 elsewhere in the United States, by, among other things, directly or through intermediaries, making,  
3 using, importing, providing, selling and/or offering for sale Accused Instrumentalities, covered by  
4 one or more claims of the '814 Patent to the injury of Hypermedia. Defendant is directly infringing,  
5 literally infringing, and/or infringing the '814 Patent under the doctrine of equivalents. Defendant  
6 is thus liable for infringement of the '814 Patent pursuant to 35 U.S.C. § 271(a).  
7

8         111. When placed into operation by Defendant or its end users, the Accused  
9 Instrumentalities infringe claim 14 of the '814 Patent as they practice a method for presenting a  
10 linear program of video elements, the linear program including a first video element, a second video  
11 element and a third video element the method comprising; sending data for displaying a plurality  
12 of indicators in a map area of a display screen, each of the plurality of indicators representing a  
13 corresponding one of the first video element, the second video element or the third video element,  
14 wherein the plurality of indicators includes at least one of: text, icons or graphical depictions (*e.g.*  
15 a video file); sending data for displaying a forward link indicator corresponding to a next program  
16 element of the linear program of video elements. (*e.g.*, it sends data for displaying a forward link  
17 indicator corresponding to a next program element); selecting, by a server, the next program  
18 element of the linear program of video elements in response to a user selection of the forward link  
19 indicator (*e.g.* Bing providing a forward link to the next media element and displaying the next  
20 media element in response to a user selection of the forward link indicator); sending data for  
21 displaying the selected next program element in a viewing area(*e.g.* Bing Video Search sends data  
22 for displaying the selected next program element in a viewing area) of the display screen (*e.g.*, it  
23 displays the data in a display window on a computer, smartphone, or tablet); wherein the first video  
24 element, the second video element and the third video element are stored on the server (*e.g.* the  
25 Bing server stores the first video element, the second video element, and the third video element).  
26  
27  
28 *See Exhibits J-1, Figs. 1-21, J-2 Figs. 1-11.*

1  
2 112. When placed into operation by Defendant or its end users, the Accused  
3 Instrumentalities infringe claim 15 of the '814 Patent as they practice the method of claim 14 further  
4 and in response to a user selection of one of the plurality of indicators, selecting a selected video  
5 element corresponding to one of, the first video element, the second video element or the third  
6 video element. *See* Exhibits J-1, Figs. 1-21, J-2 Figs. 1-11.  
7

8 113. When placed into operation by Defendant or its end users, the Accused  
9 Instrumentalities infringe claim 16 of the '814 Patent as they practice the method of claim 14 further  
10 and in response to a user selection of one of the plurality of indicators, highlighting the  
11 corresponding one of, the first video element, the second video element or the third video element.  
12 *See* Exhibits J-1, Figs. 1-21, J-2 Figs. 1-11.

13 114. When placed into operation by Defendant or its end users, the Accused  
14 Instrumentalities infringe claim 17 of the '814 Patent as they practice the method of claim 14 further  
15 comprising: displaying a backward link indicator corresponding to a previous program element of  
16 a linear program of video elements. (*e.g.*, Bing providing a backward link corresponding to a  
17 previous program element). *See* Exhibits J-1, Figs. 1-21, J-2 Figs. 1-11.  
18

19 115. When placed into operation by Defendant or its end users, the Accused  
20 Instrumentalities infringe claim 18 of the '814 Patent as they practice the method of claim 14 further  
21 comprising: sending data for displaying the linear program of video elements to a subscriber station  
22 at a user location over an Internet. (*e.g.*, Bing video search sends to a user video search results). *See*  
23 Exhibits J-1, Figs. 1-21, J-2 Figs. 1-11.  
24

25 116. When placed into operation by Defendant or its end users, the Accused  
26 Instrumentalities infringe claim 20 of the '814 Patent as they practice a method for navigating a  
27 linear Web program wherein the linear Web program includes a plurality of addresses that  
28 correspond to a plurality of media elements of a World Wide Web, wherein the plurality of

1  
2 addresses are ordered in the linear Web program in accordance with a linear sequence, and wherein  
3 the linear Web program and the plurality of media elements are stored on a network node (*e.g.*,  
4 Bing video search sends to a user video search results); sending data from the network node to  
5 display, in a display window of a display device of a subscriber station at a user location, a first  
6 media element of the plurality of media elements, the first media element having a forward link to  
7 a second media element of the linear Web program (*e.g.*, Bing presenting a second media element  
8 after receiving a second signal); sending the linear Web program from the network node to the  
9 subscriber station (*e.g.*, Bing video search sends a plurality of video elements); when the first media  
10 element is displayed in the display window (*e.g.*, it displays the first result in a display window on  
11 a computer, smartphone, or tablet), receiving a first signal in response to an action of the user  
12 indicating a first forward link activation, and in response to the first signal, sending data from the  
13 network node to display in the display window, the second media element of the linear Web  
14 program, the second media element having a forward link to a third media element of the linear  
15 Web program (*e.g.*, Bing presenting a second media element after receiving a second signal); and  
16 when the second media element is displayed in the display window, receiving a second signal in  
17 response to an action of the user indicating a second forward link activation, and in response to the  
18 second signal, sending data from the network node to display in the display window, the third media  
19 element of the linear Web program (*e.g.*, Bing presenting a second media element after receiving a  
20 second signal). *See* Exhibits J-1, Figs. 1-21, J-2 Figs. 1-11.

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23  
24 117. As a result of Defendant's infringement of the '814 Patent, Hypermedia has suffered  
25 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
26 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
27 invention by Defendant, together with interest and costs as fixed by the court.  
28

**COUNT XI**  
**INFRINGEMENT OF U.S. PATENT NO. 9,864,575**

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4 118. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or  
5 offers for sale products and/or systems (*i.e.*, the Bing Image search engine, as well as the Yahoo  
6 Image Search powered by Bing) (the “Accused Instrumentalities”) that infringe claims 1, 2, 4, 5,  
7 6, 7, 10, 11, 12, 14, 15, 16, 17, 20.

8 119. Upon information and belief, Defendant has been and is now infringing claims 1, 2,  
9 4, 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, 20 of the ’575 Patent in the State of California, in this Judicial  
10 District, and elsewhere in the United States, by, among other things, directly or through  
11 intermediaries, making, using, importing, providing, selling and/or offering for sale Accused  
12 Instrumentalities, covered by one or more claims of the ’575 Patent to the injury of Hypermedia.  
13 Defendant is directly infringing, literally infringing, and/or infringing the ’575 Patent under the  
14 doctrine of equivalents. Defendant is thus liable for infringement of the ’575 Patent pursuant to 35  
15 U.S.C. § 271(a).  
16

17 120. When placed into operation by Defendant or its end users, the Accused  
18 Instrumentalities infringe claim 1 of the ’575 Patent as they practice a method for presenting a  
19 linear program of image elements, the method comprising selecting, via a server of a World Wide  
20 Web, a first image element, a second image element, and a third image element (*e.g.* image files);  
21 associating the image elements in a linearly linked fashion to produce the linear program; (*e.g.* Bing  
22 creates a linear program from multiple image files); transmitting first data for display in a map area  
23 including a plurality of indicators, second data including a forward link indicator that facilitates  
24 automatic selection of a next program element, (*e.g.*, it sends a linear program with a map and  
25 displays a forward link indicator corresponding to a next program element); receiving third data  
26 from a client device indicating a selection of one of the plurality of indicators (*e.g.* image file  
27  
28

1  
2 selected); wherein the image elements are stored on the server and can be selected to be sent to the  
3 client device. *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

4           121. When placed into operation by Defendant or its end users, the Accused  
5 Instrumentalities infringe claim 2 of the '575 Patent as they practice the method of claim 1 further  
6 comprising: transmitting fourth data for display on a client device, the fourth data having a  
7 backward link indicator. (*e.g.*, Bing image allows you to go forward and back using link indicators).  
8 *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

9  
10           122. When placed into operation by Defendant or its end users, the Accused  
11 Instrumentalities infringe claim 4 of the '575 Patent as they practice the method of claim 1 further  
12 comprising: receiving fourth data from the client device associated with the user indicating a  
13 selection by the user of the forward link indicator; determining based on the linear program of  
14 image elements, the next program element; transmitting the next program element to the client  
15 (*e.g.*, Bing receives a signal that a user selected the forward link indicator and determines and  
16 transmits the next image element in the linear program) *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-  
17 7.  
18

19           123. When placed into operation by Defendant or its end users, the Accused  
20 Instrumentalities infringe claim 5 of the '575 Patent as they practice the method of claim 1 further  
21 comprising receiving fourth data associated with the user indicating a search query, wherein the  
22 image elements are selected based on the search query. (*e.g.*, Bing receives a search query and  
23 returns image elements based on the search query) *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.  
24

25           124. When placed into operation by Defendant or its end users, the Accused  
26 Instrumentalities infringe claim 6 of the '575 Patent as they practice the method of claim 1 further  
27 comprising: receiving fourth data associated with the user indicating a sequential selection;  
28



1  
2 navigating the linear program in a forward order in response. *See* Exhibits K-1, Figs. 1-5, K-2 Figs.  
3 1-7.

4           125. When placed into operation by Defendant or its end users, the Accused  
5 Instrumentalities infringe claim 7 of the '575 Patent as they practice the method of claim 1, further  
6 comprising: receiving fourth data associated with the user indicating a sequential selection;  
7 navigating the linear program in a forward order in response. (*e.g.* receiving a request to see the  
8 last image) *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

10           126. When placed into operation by Defendant or its end users, the Accused  
11 Instrumentalities infringe claim 10 of the '575 Patent as they practice a method for presenting a  
12 linear program of image elements, the method comprising associating a first image element, a  
13 second image element, and a third image element to produce the linear program; (*e.g.* Bing creates  
14 a linear program from multiple image files); transmitting first data for display including a plurality  
15 of indicators; receiving second data from a client device indicating a selection of one of the plurality  
16 of indicators; (*e.g.* Bing receives data indicating a selection of an image file); transmitting third  
17 data including a forward link indicator that facilitates automatic selection of a next program element  
18 (*e.g.* Bing provides a forward link to the next image in the linear program), wherein image element  
19 are stored on the server of the World Wide Web (*e.g.* Bing stores the image elements). *See* Exhibits  
20 K-1, Figs. 1-5, K-2 Figs. 1-7.

22           127. When placed into operation by Defendant or its end users, the Accused  
23 Instrumentalities infringe claim 12 of the '575 Patent as they practice the method of claim 11 further  
24 comprising: transmitting fourth data including a backward link indicator. (*e.g.* Bing provides a  
25 backward link to previous image elements). *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

27           128. When placed into operation by Defendant or its end users, the Accused  
28 Instrumentalities infringe claim 14 of the '575 Patent as they practice the method of claim 11 further

1  
2 comprising: receiving fourth data indicating a selection by the user of the forward link indicator;  
3 determining the next program element; transmitting fifth data including the next program element.  
4 (*e.g.* Bing sends the next image file based upon receipt of the indication that a user selected the  
5 forward link). *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

6  
7 129. When placed into operation by Defendant or its end users, the Accused  
8 Instrumentalities infringe claim 15 of the '575 Patent as they practice the method of claim 11 further  
9 comprising: receiving fourth data associated with a search query, wherein the image elements are  
10 selected based on the search query. *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

11  
12 130. When placed into operation by Defendant or its end users, the Accused  
13 Instrumentalities infringe claim 16 of the '575 Patent as they practice the method of claim 11 further  
14 comprising: receiving fourth data indicating a sequential selection by the user of the forward link  
15 indicator; sequentially navigating the linear program of image elements in a forward order in  
16 response to the fourth data (*e.g.* Bing receives indication of the selection of the forward link and  
17 navigates to the next image file). *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

18  
19 131. When placed into operation by Defendant or its end users, the Accused  
20 Instrumentalities infringe claim 17 of the '575 Patent as they practice the method of claim 16,  
21 wherein sequentially navigating the linear program includes sequentially transmitting fifth data  
22 successive ones of the linear program of image elements in the forward order. (*e.g.* Bing sends  
23 the next image file sequentially). *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

24  
25 132. When placed into operation by Defendant or its end users, the Accused  
26 Instrumentalities infringe claim 20 of the '575 Patent as they practice a method for presenting a  
27 linear program of image elements, the method comprising receiving fourth data from a client  
28 devices associated with a user indicating a search query; selecting a plurality of image elements  
responsive to the search query; associating the plurality of image elements to produce the linear

1  
2 program of image elements; transmitting first data for display in a map area including a plurality  
3 of indicators; (*e.g.* based on a search query, Bing selects and associates the responsive image files  
4 to produce and transmit the linear program); transmitting second data including a forward link  
5 indicator; receiving third data indicating a selection of one of the plurality of indicators, wherein  
6 the plurality of image elements are store on the server of the World Wide Web. (*e.g.* Bing stores  
7 the image files). *See* Exhibits K-1, Figs. 1-5, K-2 Figs. 1-7.

8  
9 **COUNT XII**  
10 **WILLFUL INFRINGEMENT**

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

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

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

18 136. Defendant had knowledge of the Asserted Patents prior to this lawsuit. Defendant  
19 failed to provide any material, description, reasoning, or evidence of non-infringement or invalidity  
20 of the Asserted Patents. Defendant continued using the Accused Instrumentalities regardless of its  
21 knowledge of infringement. Accordingly, Defendant's infringement is and has been willful,  
22 wanton, malicious, bad-faith, deliberate, consciously wrongful, and fragrant. Thus, Hypermedia  
23 sues for willful infringement of the Asserted Patents.  
24

25 137. As a result of Defendant's willful infringement of the Asserted Patents, Hypermedia  
26 has suffered monetary damages and is entitled to a money judgment in an amount three times the  
27 compensatory damages, in accordance with 35 U.S.C. § 284.  
28

**COUNT XIII**  
**INDUCED INFRINGEMENT**

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4       138. Upon information and belief, Defendant has been and is now inducing the  
5 infringement by its end users of the claims 10, 11, 12, and 17 of the '323 Patent; claims 1, 2, 4, and  
6 5 of the '324 Patent; claims 6, 7, 11, and 12 of the '523 Patent; claims 40, 44, 45, 47, and 49 of the  
7 '144 Patent; claims 1, 2, 3, 4, 5, 7, 12, 15, 16, 18, and 24 of the '830 Patent; claims 1, 2, 3, 5, 6, 7,  
8 8, 9, 11, 15, 16, 20, and 24 of the '173 Patent; claims 14, 15, 18, and 19 of the '672 Patent; claims  
9 14, 15, 16, 17, 18, and 20 of the '814 Patent; and claims 1, 2, 4, 5, 6, 7, 10, 11, 12, 14, 15, 16, 17,  
10 20 of the '575 Patent (collectively, the "Inducement Claims") in the State of California, in this  
11 Judicial District, and elsewhere in the United States by, among other things, making, using, selling,  
12 and/or offering for sale the Accused Instrumentalities to the injury of Plaintiff. Defendant's end  
13 users are directly infringing, literally infringing, and/or infringing the Inducement Claims under the  
14 doctrine of equivalents. Defendant is thus liable for infringement of the Inducement Claims  
15 pursuant to 35 U.S.C. § 271(b).  
16

17       139. As shown above, Defendant have and continues to directly infringe the Inducement  
18 Claims by its end users in accordance with 35 U.S.C. § 271(b).  
19

20       140. As shown above, Defendant and its end users have engaged in and currently engage  
21 in activities that constitute direct infringement of the Inducement Claims.

22       141. As shown above, the operation and use by Defendant or its end users of the Accused  
23 Instrumentalities constitutes direct infringement of the Inducement Claims.

24       142. Defendant's affirmative act of selling and/or offering for sale the Accused  
25 Instrumentalities and providing instruction, advertisement of the infringing features, and support  
26 for the Accused Instrumentalities have induced and continues to induce Defendant's end users to  
27 use the Accused Instrumentalities in its normal and customary way to infringe the Inducement  
28 Claims.

1  
2 143. Through its making, selling, and/or offering for sale the Accused Instrumentalities,  
3 Defendant specifically intends that its resellers and end-users directly infringe the Inducement  
4 Claims. Defendant has had knowledge of the Hypermedia Patents since May 4, 2017, and actually  
5 induces others, such end-use customers, to directly infringe by using, selling, supplying, and or  
6 distributing the Accused Instrumentality within the United States. Defendant is aware since at least  
7 May 4, 2017, that such actions would induce actual infringement. Furthermore, Defendant remains  
8 aware that these normal and customary activities would infringe the Inducement Claims.  
9

10 144. For example, in connection with the sale and/or offering for sale of the Accused  
11 Instrumentality, Defendant provides instructions and support to resellers and end-use customers  
12 regarding the user and operation of the Accused Instrumentalities. Specifically, Defendant provides  
13 advertisements and support, see, *e.g.*, <https://help.bing.microsoft.com/#apex/18/en-us/10007/0>.  
14 When end-users follow such instructions and support, they directly infringe the Inducement Claims.  
15 Defendant knows or should have known that by providing such instructs and support, resellers and  
16 end-use customers follow these instructions and support and directly infringe the Inducement  
17 Claims.  
18

19 145. Accordingly, Defendant has performed and continues to perform acts that constitute  
20 indirect infringement, and would induce actual infringement, with the knowledge of the Inducement  
21 Claims and with the knowledge or willful blindness to the fact that the induced acts would constitute  
22 infringement.  
23

#### 24 **JURY DEMAND**

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

#### 26 **PRAYER FOR RELIEF**

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

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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.

NI, WANG & MASSAND, PLLC

Dated: March 10, 2018

By: /s/ Hao Ni  
Hao Ni

**Attorney for Plaintiff**  
Hypermedia Navigation LLC