IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HYPER SEARCH LLC, Plaintiff, vs. **SNAP, INC.,** Defendant.	Civil Action No. _____ **PATENT CASE** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT AGAINST SNAP, INC.

Plaintiff Hyper Search, LLC ("Hyper Search" or "Plaintiff"), by and through its attorneys, hereby alleges for its Complaint against Defendant Snap, Inc. ("Snap" or "Defendant") on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

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

THE PARTIES

2. Plaintiff Hyper Search LLC is a Texas limited liability company with its principal place of business at 5068 W. Plano Parkway, Suite 300, Plano, Texas 75093.

3. Defendant Snap, Inc. is a Delaware corporation with a place of business at 63 Market Street, Venice, California 90291, and can be served through its registered agent, Corporation Services Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

4. Snap is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to its substantial business in this forum, including at least a portion of the infringements alleged herein.

5. Snap is subject to this Court's specific and general personal jurisdiction because Snap is a Delaware corporation. Snap may be served with process via its registered agent, the Corporation Services Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

6. Snap has committed and continues to commit acts of infringement within the state of Delaware, as alleged herein.

7. Snap uses and offers to its customers its "Snapchat" multimedia messaging application ("app"), including its Discover screen for rendering instances of "stories" in Snapchat, including story information, and its Snapchat neural network system for controlling story information output based on user feedback about stories. (*See* Hyper Search's Claim Chart for claim 1 of the '412 patent, Ex. B at 1-8.)

8. As detailed in paragraphs 39-47, 71-79 and/or 103-112 below, Snap offers the Snapchat system which allows a user to provide feedback and displays stories in the Snapchat app based on a ranking value determined by the user's viewing, subscribing or sharing the stories. (*Id.* at 1-2.)

9. Snap allows a plurality of information sources (e.g. users or friends) to provide information in the form of stories to the Discover screen in the Snapchat app. (*Id.* at 1-2.)

10. Snap employs a Snapchat neural network module that selects one or more stories on the Discover screen to receive information regarding interactions with stories from the

plurality of information sources (e.g. users or friends) in the form of views and likeness. (*Id.* at 2-3.)

11. Snap has derived substantial revenues from its infringing acts occurring within Delaware.

12. Snap is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware.

13. Snap provides private and public content as well as social networking services through its website, www.snapchat.com, and its mobile applications for several mobile platforms including iOS, Windows Phone, and Android.

14. Snap is subject to the Court's personal jurisdiction at least due to its sale of products or services within Delaware.

15. Snap has committed such purposeful acts or transactions in Delaware such that it reasonably should know and expect that it could be haled into court in this State as a consequence of such activities.

16. As detailed in paragraphs 39-47, 71-79 and/or 103-112 below, Snap supports the creation and maintenance of a neural network module which provides objects to recipients (*e.g.*, story instances of snapchat.com through app interfaces on user mobile devices) and the recipients enable users to generate feedback about the information within the State and District of Delaware.

17. Venue is proper in this district under 28 U.S.C. § 1400(b). Snap is incorporated in Delaware. Upon information and belief, from and within this District, Snap has committed at least a portion of the infringements at issue in this case.

18. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

COUNT I

PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 6,792,412

19. Plaintiff incorporates the above paragraphs herein by reference.

20. On September 14, 2004, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,792,412 ("the '412 patent"). The '412 patent is titled "Neural Network System and Method for Controlling Information Output Based on User Feedback." The application leading to the '412 patent was filed on February 2, 1999. A true and correct copy of the '412 patent is attached hereto as Exhibit A and incorporated herein by reference.

21. Plaintiff Hyper Search LLC is the assignee of all right, title and interest in the '412 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '412 patent, including for past damages.

22. The '412 patent relates to a system and method for controlling information output based on user feedback regarding that information. (*See* Ex. A at 1:9–11.)[1] The '412 patent describes and enables "a computer network-based neural network system that controls information provided as output from the system based on learned experience gained from user feedback regarding the value of the information." (*Id.* at 1:10–15.)

23. The claims of the '412 patent are directed at providing a unique computing solution that addresses a problem particular to computer networks—providing an intelligent

[1] Citations to patents in this Complaint refer to columns and lines within columns of any cited patent. For example, the citation referenced by this footnote refers to column 1, at lines 9 through 11, in the '412 patent.

filtering system which selects information for delivery based on indications of what subject matter a recipient is likely to find useful. (*Id.* at 2:10–14.)

24. Providing an intelligent filtering system for a plurality of clients connected via a network in the manner claimed in the ‘412 patent solved new challenges over the techniques and systems known in the art at the time.

25. Prior to the priority date of the ’412 patent, systems, such as electronic mail systems, enabled users to create information filters based on attributes such as content or the initiator of a message contained in an email. (*Id.* at 1:27-32.)

26. These information filters suffered from the fact that these electronic mail filtering system required that that the attributes be determined in advance and provided in advance for the filtering. (*Id.* at 1:36-45.)

27. These early systems required the identification of those attributes of emails, or other information, which are to be excluded before being able to create a filter. (*Id*. at 1:36-45.)

28. The early systems were lacking in that it is often difficult to determine the proper attributes to be used as the basis for filtering. (*Id.* at 1:36-45.)

29. The ’412 patent overcame these disadvantages by, for example, describing and enabling a system and method for delivering information “which selects information for delivery based on indications of what subject matter a recipient is likely to find useful.” (*Id.* at 2:10–14.)

30. The claimed technology of the ’412 patent, for controlling information output based on user feedback about the information, was not a conventional business practice.

31. The ’412 patent does not preempt every way of “controlling information output based on user feedback about the information that includes a plurality of information sources…”. (’412 patent, abstract.)

32. The ’412 patent does not preempt the field or preclude the use of other systems for controlling information output based on user feedback about the information.

33. Other techniques for systems that control information output based on user feedback about the information are not included within the scope of the ’412 patent’s claims. These include the prior art referenced in the ’412 patent. *See, e.g.*, U.S. Patent No. 6,085,178 to Bigus et al.

34. The ’412 patent claims are not directed to any “method of organizing human activity,” “fundamental economic practice long prevalent in our system of commerce,” nor are any of the claims “a building block of the modern economy.”

35. The ’412 patent does not take a well-known or established business method or process and “apply it to a general purpose computer.” Instead, the specific system and processes described in the ’412 patent have no direct corollary to a business process that predates the advent of the internet.

36. The ’412 patent claims are directed toward a solution rooted in computer technology and uses technology, unique to computers and networks, to overcome a problem specifically arising in the realm of controlling information output based on user feedback about the information.

37. The ’412 patent claims are not directed at a mere mathematical relationship or formula.

38. The ’412 patent claims cannot be performed by a human, in the human mind, or by pen and paper.

39. Upon information and belief, Snap directly infringes and continues to directly infringe at least claim 1 of the ’412 patent, in the State of Delaware and elsewhere in the United

States, under 35 U.S.C. § 271(a) by making, using, selling, offering to sell, importing and/or providing and causing to be used a system, via snap.com for controlling information output based on user feedback about the information, as in claim 1 of the ’412 patent. (*See* Hyper Search’s Claim Chart for claim 1 of the ’412 patent, Ex. B at 1-8.)

40. Snap provides a system via snap.com for controlling information output based on user feedback about the information. The Snap system includes a plurality information sources to provide information in the form of stories to a Discover screen. (*Id.* at 1-2.)

41. The Snap system also includes a Snapchat neural network module that selects one or more stories on the Discover screen to receive information regarding interactions with stories from the plurality of information sources (*e.g.*, users or friends) in the form of views and likeness. The Snap system also includes one or more servers associated with the neural network module and app interfaces on user’s mobile devices enabling users to generate feedback on the information. (*Id.* at 2-3.)

42. The Snapchat neural network module generates a rating value for stories at the end of an epoch (e.g. user session). The Snap system displays stories in the Discover screen based on a ranking value determined by the user’s viewing, subscribing or sharing the stories. The Snap system also re-determines the ranking values of stories based on new interactions at new timing and on the perceived relevance of stories to the user. (*Id.* at 2-3.)

43. The Snap system includes a number of information sources and at least one neural network module that selects one or more objects (*e.g.*, stories) from which to receive information from those information sources. (*Id.* at 1-2.)

44. The Snap system selects the sources of information based at least in part on one or more inputs and one or more weight values. (*Id.* at 2-3.)

45. A server associated with a neural network module provides one or more of the objects to one or more recipients (*e.g.,* story instances of snapchat.com through app interfaces on user mobile devices) and the recipients enable one or more users to generate feedback about the information. (*Id.* at 3-5.) The neural network module generates a rating value for one or more of the objects at the end of, for example, a time period, session, or event. (*Id.* at 6-8.)

46. The Snap servers offer a service to users (that are using a computing device) in Delaware to interact with the snapchat.com site to control information output based on user feedback about the information as recited in claim 1 of the ’412 patent.

47. Users in Delaware have used and interacted with the Snap system as recited in claim 1 of the ’412 patent.

48. Upon information and belief, since at least the time it received notice by this Complaint, Snap has induced and continues to induce others to infringe at least one claim of the ’412 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Snap’s partners and customers, whose use of the accused instrumentalities constitutes direct infringement of at least one claim of the ’412 patent.

49. In particular, Snap’s actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the accused instrumentalities and providing instruction materials, training, and services regarding the accused instrumentalities. Upon information and belief, Snap has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Snap has had actual knowledge of the ’412 patent and that its acts were inducing the infringement of the ’412 patent

since at least the date Snap received notice by this Complaint that such activities infringed the ’412 patent.

50. Despite Hyper Search’s notice to Snap by this Complaint regarding the ’412 patent, Snap continues to infringe the ’412 patent. Upon information and belief, since at least the time it received notice by this Complaint, Snap’s infringement has been and continues to be willful.

51. Hyper Search has been harmed by each of Snap’s infringing activities with respect to the ’412 patent.

52. Hyper Search reserves the right to modify its infringement theories as discovery progresses in this case. It shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts it provides with this Complaint. Hyper Search intends the claim chart (Exhibit B) for the ’412 patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. The claim charts are not Hyper Search’s preliminary or final infringement contentions or preliminary or final claim construction positions.

COUNT II

PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,120,615

53. Plaintiff incorporates the above paragraphs herein by reference.

54. On October 10, 2006, the United States Patent and Trademark Office duly and legally issued United States Patent No. 7,120,615 (“the ’615 patent”). The ’615 patent is titled “Neural Network System and Method for Controlling Information Output Based on User Feedback.” The original application leading to the ’615 patent was filed on August 30, 2004. A true and correct copy of the ’615 patent is attached hereto as Exhibit C and incorporated herein by reference.

55. Plaintiff Hyper Search LLC is the assignee of all right, title and interest in the '615 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '615 patent, including for past damages.

56. The '615 patent relates to a system and method for controlling information output based on user feedback regarding that information. (*See* Ex. C at 1:13-15.) The '615 patent describes and enables "a computer network-based neural network system that controls information provided as output from the system based on learned experience gained from user feedback regarding the value of the information." (*Id.* at 1:16–20.)

57. Prior to the priority date of the '615 patent, systems, such as electronic mail systems, enabled users to create information filters based on attributes such as content or the initiator of a message contained in an email. (*Id.* at 1:33-38.)

58. These information filters suffered from the fact that these electronic mail filtering system required that that the attributes be determined in advance and provided for the filtering. (*Id.* at 1:42-50.)

59. These early systems required the identification of those attributes of emails, or other information, which are to be excluded before being able to create a filter. (*Id.* at 1:42-50.)

60. The early systems were lacking in that it is often difficult to determine the proper attributes to be used as the basis for filtering. (*Id.* at 1:42-50.)

61. The '615 patent overcame these disadvantages by, for example, describing and enabling a system and method for delivering information "which selects information for delivery based on indications of what subject matter a recipient is likely to find useful." (*Id.* at 2:16-20.)

62. The claimed technology of the '615 patent for controlling information output based on user feedback about the information was not a conventional business practice.

63. The ’615 patent does not preempt every way of “controlling information output based on user feedback about the information that includes a plurality of information sources…”. (’615 patent, abstract.)

64. The ’615 patent does not preempt the field or preclude the use of other systems for controlling information output based on user feedback about the information.

65. Other techniques for systems that control information output based on user feedback about the information are not included within the scope of the ’615 patent claims. These include the prior art referenced in the ’615 patent. *See, e.g.*, U.S. Patent No. 6,085,178 to Bigus et al.

66. The ’615 patent claims are not directed to any “method of organizing human activity,” “fundamental economic practice long prevalent in our system of commerce,” nor are any of the claims “a building block of the modern economy.”

67. The ’615 patent does not take a well-known or established business method or process and “apply it to a general purpose computer.” Instead, the specific system and processes described in the ’615 patent have no direct corollary to a business process that predates the advent of the internet.

68. The ’615 patent claims are directed toward a solution rooted in computer technology and uses technology unique to computers and networks to overcome a problem specifically arising in the realm of controlling information output based on user feedback about the information.

69. The ’615 patent claims are not directed at a mere mathematical relationship or formula.

70. The ’615 patent claims cannot be performed by a human, in the human mind, or by pen and paper.

71. Upon information and belief, Snap directly infringes and continues to directly infringe at least claim 6 of the ’615 patent, in the State of Delaware and elsewhere in the United States, under 35 U.S.C. § 271(a) by making, using, selling, offering to sell, importing and/or providing and causing to be used a system, via snap.com, for controlling information output based on user feedback about the information, as in claim 6 of the ’615 patent. (*See* Hyper Search’s Claim Chart for claim 6 of the ’615 patent, Ex. D at 1-6.)

72. The Snap system includes a server providing pieces of information to a recipient via slots that present the pieces of information to a user in the form of stories to a Discover screen. The Snap system also includes a Snapchat artificial intelligence module that ranks and places the stories in their respective slots in the Discover screen based on a ranking value determined by the user’s viewing, subscribing or sharing the stories. (*Id.* at 1-2.)

73. The Snap system allows a user to provide feedback to a story by providing information whether the user want to see similar stories in their Discover section or not. After providing the feedback for a story (*e.g.*, when a user chooses not to see a similar story), that particular story is deleted from the list of stories in the Discover section during the next user session. (*Id.* at 3-5.)

74. The Snap system utilizes a server to provide information via a plurality of slots and at least one artificial intelligence module that ranks the pieces of information (*e.g.*, stories) as to how or if to be placed in the slots. (*Id.* at 1-2.)

75. The Snap system ranks the pieces of information (*e.g.*, stories) based at least in part on a ranking value determined by users' viewing, subscribing or sharing the stories. (*Id.* at 3-4.)

76. The Snap system allows user to provide feedback to a story by providing information whether the user want to see stories like this in their Discover section or not. (*Id.* at 3-5.)

77. After providing the feedback for a story (*e.g.*, when a user chooses not to see a story like this), that particular story can be deleted from the list of stories in the Discover section during a next user session. (*Id.* at 3-6.)

78. The Snap servers offer a service to users (that are using a computing device) in Delaware to interact with the snapchat.com site to control information output based on user feedback about the information as recited in claim 6 of the '615 patent.

79. Users in Delaware have used and interacted with the Snap system as recited in claim 6 of the '615 patent.

80. Upon information and belief, since at least the time it received notice by this Complaint, Snap has induced and continues to induce others to infringe at least one claim of the '615 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Snap's partners and customers, whose use of the accused instrumentalities constitutes direct infringement of at least one claim of the '615 patent.

81. In particular, Snap's actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the accused instrumentalities and providing instruction materials, training, and services regarding the accused instrumentalities.

Upon information and belief, Snap has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Snap has had actual knowledge of the ’615 patent and that its acts were inducing the infringement of the ’615 patent since at least the date Snap received notice by this Complaint that such activities infringed the ’615 patent.

82. Despite Hyper Search’s notice to Snap through this Complaint regarding the ’615 patent, Snap continues to infringe the ’615 patent. Upon information and belief, since at least the time it received notice by this Complaint, Snap’s infringement has been and continues to be willful.

83. Hyper Search has been harmed by each of Snap’s infringing activities with respect to the ’615 patent.

84. Hyper Search reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts it provides with this Complaint. Hyper Search intends the claim chart (Exhibit D) for the ’615 Patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they are not Hyper Search’s preliminary or final infringement contentions or preliminary or final claim construction positions.

COUNT III

PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 8,260,733

85. Plaintiff incorporates the above paragraphs herein by reference.

86. On September 4, 2012, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,260,733 (“the ’733 patent”). The ’733 patent is titled “Neural Network System and Method for Controlling Information Output Based on User

Feedback." The original application leading to the '733 patent was filed on October 10, 2006. A true and correct copy of the '733 patent is attached hereto as Exhibit E and incorporated herein by reference.

87. Plaintiff Hyper Search LLC is the assignee of all right, title and interest in the '733 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '733 Patent, including for past damages.

88. The '733 patent relates to a system and method for controlling information output based on user feedback regarding that information. (*See* Ex. E at 1:15-17.) The '733 patent describes and enables "a computer network-based neural network system that controls information provided as output from the system based on learned experience gained from user feedback regarding the value of the information." (*Id.* at 1:17–21.)

89. Prior to the priority date of the '733 patent, systems, such as electronic mail systems, enabled users to create information filters based on attributes such as content or the initiator of a message contained in an email. (*Id.* at 1:33-38.)

90. These information filters suffered from the fact that these electronic mail filtering system required that that the attributes be determined in advance and provided for the filtering. (*Id.* at 1:43-51.)

91. These early systems required the identification of those attributes of emails, or other information, which are to be excluded before being able to create a filter. (*Id.* at 1:43-51.)

92. The early systems were lacking in that it is often difficult to determine the proper attributes to be used as the basis for filtering. (*Id.* at 1:43-51.)

93. The ’733 patent overcame these disadvantages by, for example, describing and enabling a system and method for delivering information “which selects information for delivery based on indications of what subject matter a recipient is likely to find useful.” (*Id.* at 2:16-20.)

94. The claimed technology of the ’733 patent for controlling information output based on user feedback about the information was not a conventional business practice.

95. The ’733 patent does not preempt every way of “controlling information output based on user feedback about the information that includes a plurality of information sources…”. (’733 patent, abstract.)

96. The ’733 patent does not preempt the field or preclude the use of other systems for controlling information output based on user feedback about the information.

97. Other techniques for systems that control information output based on user feedback about the information are not included within the scope of the ’733 patent claims. These include the prior art referenced in the ’733 patent. *See, e.g.*, U.S. Patent No. 6,085,178 to Bigus et al.

98. The ’733 patent claims are not directed to any “method of organizing human activity,” “fundamental economic practice long prevalent in our system of commerce,” nor are any of the claims “a building block of the modern economy.”

99. The ’733 patent does not take a well-known or established business method or process and “apply it to a general purpose computer.” Instead, the specific system and processes described in the ’733 patent have no direct corollary to a business process that predates the advent of the internet.

100. The ’733 patent claims are directed toward a solution rooted in computer technology and uses technology unique to computers and networks to overcome a problem

specifically arising in the realm of controlling information output based on user feedback about the information.

101. The ’733 patent claims are not directed at a mere mathematical relationship or formula.

102. The ’733 patent claims cannot be performed by a human, in the human mind, or by pen and paper.

103. Upon information and belief, Snap directly infringes and continues to directly infringe at least claim 6 of the ’733 patent in the State of Delaware, and elsewhere in the United States under 35 U.S.C. § 271(a) by making, using, selling, offering to sell, importing and/or practicing and causing to be practiced a method, via snap.com for controlling information output based on user feedback about the information, as in claim 6 of the ’733 patent. (*See* Hyper Search’s Claim Chart for claim 6 of the ’733 patent, Ex. E at 1-7.)

104. The method includes conveying, in response to selection of a first network location, a list of one or more links to respective one or more second network locations. The method also includes modifying, as facilitated by one or more processors, at least one weight value associated with a respective at least one node of a neural network based on selection of a link, of the one or more links, by a device. (*Id.* at 1-2.)

105. The method also includes learning, by the neural network based on the at least one weight value, that selection of the first network location during respective epochs is followed by selection, according to respective probabilities, of a first subset of the one or more links, the respective epochs comprising durations of time for visits to the first network location by the respective devices. (*Id.* at 5-6.)

106. Also, the method includes conveying, during a subsequent visit to the first network location, a modified list of the one or more links comprising the first subset of the one or more links based on the determining. (*Id.* at 6-7.)

107. The Snap method provides information via a plurality of links (*e.g.*, stories), nodes and weighting values and at least one neural network that ranks the links to determine a subset of the links (*e.g.*, selected/remaining stories) for presentation at a later visit. (*Id.* at 5-6.)

108. The Snap method ranks the links (*e.g.*, stories) based at least in part on a ranking value determined by a user's selection or hiding of the stories. (*Id.* at 3-6.)

109. Snapchat allows user to provide feedback to a story by providing information whether the user wants to see stories like this in their Discover section or not. (*Id.* at 4-5.)

110. After providing the feedback for a story (*e.g.*, when a user chooses not to see a story like this), that particular story is deleted from the list of stories in the Discover section during a next user session. (*Id.* at 5-6.)

111. The Snap servers offer a service to users (that are using a computing device) in Delaware to interact with the snapchat.com site to control information output based on user feedback about the information as recited in claim 6 of the '733 patent.

112. Users in Delaware have used and interacted with the Snap system as recited in claim 6 of the '733 patent.

113. Upon information and belief, since at least the time it received notice by this Complaint, Snap has induced and continues to induce others to infringe at least one claim of the '733 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Snap's

partners and customers, whose use of the accused instrumentalities constitutes direct infringement of at least one claim of the ’733 patent.

114. In particular, Snap’s actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the accused instrumentalities and providing instruction materials, training, and services regarding the accused instrumentalities. Upon information and belief, Snap has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Snap has had actual knowledge of the ’733 patent and that its acts were inducing the infringement of the ’733 patent since at least the date Snap received notice by this Complaint that such activities infringed the ’733 patent.

115. Despite Hyper Search’s notice to Snap by this Complaint regarding the ’733 patent, Snap continues to infringe the ’733 patent. Upon information and belief, since at least the time it received notice by this Complaint, Snap’s infringement has been and continues to be willful.

116. Hyper Search has been harmed by each of Snap’s infringing activities with respect to the ’733 patent.

117. Hyper Search reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts it provides with this Complaint. Hyper Search intends the claim chart (Exhibit F) for the ’733 patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they are not Hyper Search’s preliminary or final infringement contentions or preliminary or final claim construction positions.

JURY DEMAND

Plaintiff Hyper Search, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Hyper Search respectfully requests judgment for itself and against Defendant Snap as follows:

A. An adjudication that Snap has infringed the ’412 patent, the ’615 patent, and the ’733 patent;

B. An award of damages to be paid by Snap adequate to compensate Hyper Search for Snap’s past infringement of the ’412 patent, the ’615 patent, and the ’733 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff’s reasonable attorneys’ fees; and

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

Dated: August 20, 2018

DEVLIN LAW FIRM LLC

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