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16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 **HYPERMEDIA NAVIGATION LLC,**

20 Plaintiff,

21 v.

22 **FACEBOOK, INC.,**

23 Defendant.
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Case No. 4:17-cv-5383-HSG

AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

1 **AMENDED COMPLAINT**

2 This is an action for patent infringement in which Hypermedia Navigation LLC
3 (“Hypermedia”) makes the following allegations against Facebook, Inc. (“Defendant”):

4 **PARTIES**

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

7 2. Facebook, Inc., is a corporation organized and existing under the laws of Delaware,
8 with its principal place of business located at 1601 Willow Road, Menlo Park, CA 94025. Defendant
9 may be served with process through its registered agent: The Corporation Trust Company,
10 Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

11 **JURISDICTION AND VENUE**

12 3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§
13 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C.
14 §1331 and §1338(a).

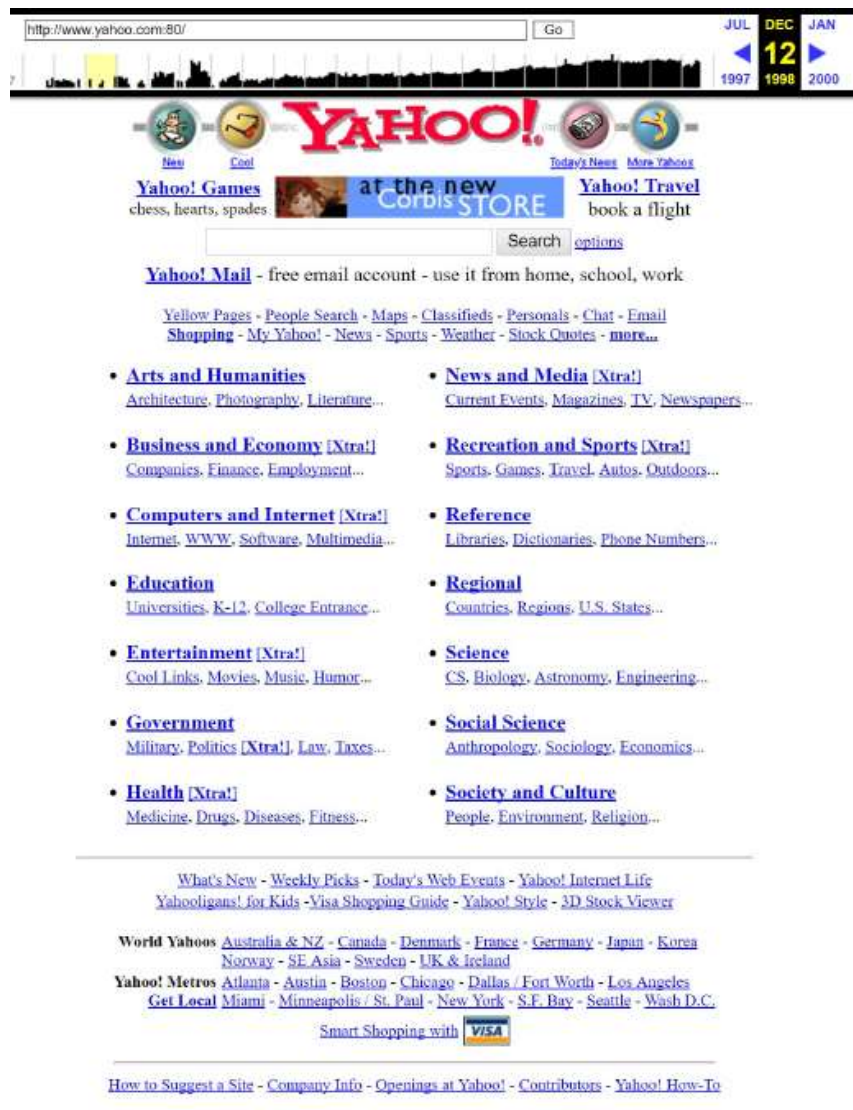
15 4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant has a
16 regular place of business in this district at 1601 Willow Road, Menlo Park, CA 94025, and has
17 committed acts of patent infringement in this district.

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

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

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



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

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

24 10. On June 3, 2008, United States Patent No. 7,383,323 (the “323 patent”) was duly and
 25 legally issued by the United States Patent and Trademark Office for an invention titled “System and
 26 Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
 27 copy of the ’323 patent is attached hereto as Exhibit A.
 28

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

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

9 13. On January 13, 2009, United States Patent No. 7,478,144 (the “’144 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 correct
12 copy of the ’144 patent is attached hereto as Exhibit D.

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

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

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

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

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

11 19. The ’323 Patent, the ’324 Patent, the ’523 Patent, the ’144 Patent, the ’830 Patent, the
12 ’173 Patent, the ’672 Patent, the ’814 Patent, and the ’575 Patent are collectively referred to as the
13 “Asserted Patents.”

14 20. Hypermedia is the owner of the Asserted Patents with all rights in and to the Asserted
15 Patents.

16 21. Upon information and belief, to the extent any marking was required by 35 U.S.C.
17 § 287 with regards to the Asserted Patents, Hypermedia has complied with such requirements.

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

23 22. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
24 offers for sale products and/or systems (*i.e.*, Facebook video search (the “Accused Instrumentality”)
25 that infringes claims 10 and 11 of the ’323 patent.

26 23. Upon information and belief, Defendant has been and is now infringing claims 10 and
27 11 of the ’323 Patent in the State of California, in this Judicial District, and elsewhere in the United
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1 States, by, among other things, directly or through intermediaries, making, using, selling and/or
2 offering for sale the Accused Instrumentality, covered by one or more claims of the '323 Patent to the
3 injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '323
4 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '323 Patent
5 pursuant to 35 U.S.C. § 271(a).
6

7 24. The Accused Instrumentality infringes claim 10 of the '323 Patent as it performs a
8 method for presenting video media elements to a subscriber station by receiving request from the
9 subscriber station to present at least one video element to the subscriber (*e.g.* Facebook receives a
10 request from a user for presenting video media elements results); selecting a plurality of video media
11 elements for presentation the subscriber station (*e.g.* Facebook video search selects a plurality of video
12 elements); creating a file for use by the subscriber station to create a user interface (*e.g.* Facebook video
13 search presents a viewing area of a user selected video); and transmitting the file to the subscriber
14 station. *See* Ex. A-1, Figs. 1-8.
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16 25. The Accused Instrumentality infringes claim 11 of the '323 Patent as it performs the
17 method of claim 10 and receives the request from the subscriber station includes receiving a search
18 criteria and selecting the plurality of video media elements includes selecting the plurality of video
19 media elements based upon the search criteria (*e.g.* Facebook selects videos based on search terms).
20 *See* Ex. A-1, Figs. 1-8.
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22 26. As a result of Defendant's infringement of the '323 Patent, Hypermedia has suffered
23 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
24 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
25 invention by Defendant, together with interest and costs as fixed by the court.
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COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,383,324

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3 27. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
4 offers for sale products and/or systems (*i.e.*, the Accused Instrumentality) that infringe claims 1, 2, and
5 4 of the '324 patent.

6 28. Upon information and belief, Defendant has been and is now infringing claims 1, 2, and
7 4 of the '324 Patent in the State of California, in this Judicial District, and elsewhere in the United
8 States, by, among other things, directly or through intermediaries, making, using, selling and/or
9 offering for sale the Accused Instrumentality, covered by one or more claims of the '324 Patent to the
10 injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '324
11 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '324 Patent
12 pursuant to 35 U.S.C. § 271(a).
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14 29. The Accused Instrumentality infringes claim 1 of the '324 Patent as it performs a
15 method for presenting video media elements to a subscriber station by receiving request from the
16 subscriber station to present at least one video element to the subscriber (*e.g.* Facebook receives a
17 request from a user for presenting video media elements results); selecting a plurality of video media
18 elements for presentation the subscriber station (*e.g.* Facebook video search selects a plurality of video
19 elements); creating a file for use by the subscriber station to create a user interface (*e.g.* Facebook video
20 search presents a viewing area of a user selected video); and transmitting the file to the subscriber
21 station. *See* Ex. B-1, Figs. 1-12.
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24 30. The Accused Instrumentality infringes claim 2 of the '324 Patent as it performs the
25 method of claim 1 and each of the first plurality of video media elements and the second plurality of
26 video elements are associated with the Web site. *See* Ex. B-1, Figs. 1-12.
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1 from the single Website (*e.g.* Facebook video search sends to a user video search results), the first
2 media element having a forward link to a second media element of the linear Web program, and to
3 display a forward link indicator on the display device; receiving a first signal in response to an action
4 of the user indicating an activation of the forward link indicator, and in response to the activation of
5 the forward link indicator, sending data from the remote information node to display on the display
6 device (*e.g.* Facebook providing a forward link to the next media element and displaying the next media
7 element); and receiving a second signal in response to an action of the user indicating an activation of
8 the forward link indicator, and in response to the activation of the forward link indicator, sending data
9 from the remote information node to display on the display device, the third media element of the linear
10 Web program (*e.g.* Facebook presenting a third media element after receiving a second signal). *See*
11 Ex. C-1, Figs. 1-8.
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14 36. The Accused Instrumentality infringes claim 7 of the '523 Patent as it performs the
15 method of claim 6 and the forward link indicator includes a forward link button. *See* Ex. C-1, Figs. 1-
16 8.
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18 37. The Accused Instrumentality infringes claim 8 of the '523 Patent as it performs the
19 method of claim 6 and the media elements include a series of backward links by sending data from the
20 remote information node causing the display of a backward link on the display device. *See* Ex. C-1,
21 Figs. 1-8.
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23 38. The Accused Instrumentality infringes claim 9 of the '523 Patent as it performs the
24 method of claim 8 and includes second media elements with a backward link to the first media element,
25 whereby receiving a third signal from a user action indicating activation of the backward, and in
26 response to the activation of the backward link from the second webpage being displayed on the device,
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1 activating a backward link to the first media element of the linear web program. *See* Ex. C-1, Figs. 1-
2 8.

3 39. The Accused Instrumentality infringes claim 10 of the '523 Patent as it performs the
4 method of claim 9 and the linear web program includes a plurality of addresses that correspond to the
5 plurality of media elements that are ordered in accordance with a linear sequence. *See* Ex. C-1, Figs.
6 1-8.

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8 40. The Accused Instrumentality infringes claim 11 of the '523 Patent as it performs the
9 method of claim 6 and also store the linear web program at a remote information node. *See* Ex. C-1,
10 Figs. 1-8.

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

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

18 42. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
19 offers for sale products and/or systems (*i.e.*, the Accused Instrumentality) that infringes claims 40, 44,
20 and 46 of the '144 patent.

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22 43. Upon information and belief, Defendant has been and is now infringing claims 40, 44,
23 and 46 of the '144 Patent in the State of California, in this Judicial District, and elsewhere in the United
24 States, by, among other things, directly or through intermediaries, making, using, selling and/or
25 offering for sale the Accused Instrumentality, covered by one or more claims of the '144 Patent to the
26 injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '144
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1 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '144 Patent
2 pursuant to 35 U.S.C. § 271(a).

3 44. The Accused Instrumentality infringes claim 40 of the '144 Patent as it performs the
4 method of claim 39 and the user interface includes a viewing area in which at least one image of the
5 plurality of found video media elements is presented and a map area in which information regarding
6 some of the plurality of found video media elements is presented. *See* Ex. D-1, Figs. 1-9.

7 45. The Accused Instrumentality infringes claim 44 of the '144 Patent as it performs a
8 method for performing a search for media elements and for providing the media elements to a
9 subscriber station by receiving a search request from the subscriber station to perform a search for
10 media elements (*e.g.* Facebook receives a search request from a user); searching for media elements
11 based upon the search request to produce a plurality of found media elements (*e.g.* Facebook searches
12 and produces a plurality of video search results); selecting, from the plurality of found media elements,
13 a first media element; selecting from the plurality of found media elements, a plurality of second media
14 elements (*e.g.* Facebook video search provides a linear result of a first media element along with a
15 plurality of second media elements); and creating a file for use by the subscriber station to create a user
16 interface (*e.g.* Facebook video search creates a return of results in a user interface format). *See* Ex. D-
17 1, Figs. 1-9.

18 46. The Accused Instrumentality infringes claim 46 of the '144 Patent as it performs the
19 method of claim 44 and the map area of the user interface includes links to the plurality of second
20 media elements. *See* Ex. D-1, Figs. 1-9.

21 47. 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
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1 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
2 invention by Defendant, together with interest and costs as fixed by the court.

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

5 48. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
6 offers for sale products and/or systems (*i.e.*, the Accused Instrumentality) that infringes claims 1, 2, 3,
7 4, 12, 15, 16, 18, 19, 24 and 25 of the '830 patent.

8 49. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3,
9 4, 12, 15, 16, 18, 19, 24 and 25 of the '830 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, making,
11 using, selling and/or offering for sale the Accused Instrumentality, covered by one or more claims of
12 the '830 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing,
13 and/or infringing the '830 Patent under the doctrine of equivalents. Defendant is thus liable for
14 infringement of the '830 Patent pursuant to 35 U.S.C. § 271(a).
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17 50. The Accused Instrumentality infringes claim 1 of the '830 Patent as it performs a
18 method for operating at least one web server to present video media elements to a subscriber station by
19 receiving a web page request from the subscriber station (e.g. the Facebook server receives a request
20 from a user); in response to receiving the web page request, the at least one web server creating at least
21 one web page for use by a browser of the subscriber station to produce a user interface at the subscriber
22 station that includes a viewing area and a map area (e.g. Facebook generates a response viewable by a
23 user that includes a viewing area and a map area); and responding to the web page request by the at
24 least one web server by initiating download of the at least one web page to the subscriber station . *See*
25 Ex. E-1, Figs. 1-10.
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1 51. The Accused Instrumentality infringes claim 2 of the '830 Patent as it performs the
2 method of claim 1 and receiving the web page request from the subscriber station includes the at least
3 one web server receiving a search criteria and the at least one web server selecting the first video media
4 element and the plurality of second video media elements based upon the search criteria (e.g. Facebook
5 selects videos based on the search term). *See Ex. E-1, Figs. 1-10.*
6

7 52. The Accused Instrumentality infringes claim 3 of the '830 Patent as it performs the
8 method of claim 1 and further receives a search criteria by the at least one web server from the
9 subscriber station and selects the first video media element and the plurality of second video media
10 elements by the at least one web server based upon the search criteria. *See Ex. E-1, Figs. 1-10.*
11

12 53. The Accused Instrumentality infringes claim 4 of the '830 Patent as it performs the
13 method of claim 1 and receives a selection from the subscriber station of one of the plurality of second
14 video media elements for display in the viewing area by the at least one web server. *See Ex. E-1, Figs.*
15 *1-10.*
16

17 54. The Accused Instrumentality infringes claim 12 of the '830 Patent as it performs the
18 method of claim 1 and at least some icons of the map area convey subjects corresponding to second
19 video media elements. *See Ex. E-1, Figs. 1-10.*
20

21 55. The Accused Instrumentality infringes claim 15 of the '830 Patent as it performs a
22 method for presenting video media elements to a subscriber station by at least one web server by
23 creating at least one web page by the at least one web server for use by a browser of the subscriber
24 station to produce a user interface at the subscriber station that includes a viewing area in which a first
25 video media element is presented and a map area in which a plurality of icons are presented (e.g.
26 Facebook creates a web page for use by the subscriber station), each icon representative of a
27 corresponding one of a plurality of second video media elements; receiving a web page request from
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1 the subscriber station; and responding to the web page request by initiating download of the at least
2 one web page to the subscriber station. *See* Ex. E-1, Figs. 1-10.

3 56. The Accused Instrumentality infringes claim 16 of the '830 Patent as it performs the
4 method of claim 15 and the plurality of video media elements are selected by the web server after
5 receipt of the web page request from the subscriber station. *See* Ex. E-1, Figs. 1-10.
6

7 57. The Accused Instrumentality infringes claim 18 of the '830 Patent as it performs the
8 method of claim 15 and further receives a search criteria and selects the first video media element and
9 the plurality of second video media elements by based upon the search criteria (*e.g.* Facebook selects
10 videos based on a search term). *See* Ex. E-1, Figs. 1-10.
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12 58. The Accused Instrumentality infringes claim 19 of the '830 Patent as it performs the
13 method of claim 15 and further receives a selection from the subscriber station of the plurality of second
14 video media elements for displaying in the viewing area. *See* Ex. E-1, Figs. 1-10.
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16 59. The Accused Instrumentality infringes claim 24 of the '830 Patent as it performs the
17 method of claim 15 and at least some icons of the map area convey subjects of corresponding second
18 video media elements. *See* Ex. E-1, Figs. 1-10.

19 60. The Accused Instrumentality infringes claim 25 of the '830 Patent as it performs the
20 method of claim 15 and the plurality of video media elements for presentation to the subscriber station
21 resides on a common Web site. *See* Ex. E-1, Figs. 1-10.
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23 61. As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered
24 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
25 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
26 invention by Defendant, together with interest and costs as fixed by the court.
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COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 8,250,173

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3 62. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
4 offers for sale products and/or systems (*i.e.*, the Accused Instrumentality) that infringes claims 15, 16,
5 24, and 25 of the '173 patent.

6 63. Upon information and belief, Defendant has been and is now infringing claims 15, 16,
7 24, and 25 of the '173 Patent in the State of California, in this Judicial District, and elsewhere in the
8 United States, by, among other things, directly or through intermediaries, making, using, selling and/or
9 offering for sale the Accused Instrumentality, covered by one or more claims of the '173 Patent to the
10 injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '173
11 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '173 Patent
12 pursuant to 35 U.S.C. § 271(a).
13

14 64. The Accused Instrumentality infringes claim 15 of the '173 Patent as it performs a
15 method for presenting video media elements to a subscriber station by at least one web server by
16 receiving a web page request from the subscriber station that includes a search criteria (*e.g.* the
17 Facebook Video search receives a web page request that includes a search criteria); retrieving a
18 plurality of video media elements based upon the search criteria; creating at least one web page by the
19 at least one web server for use by a browser of the subscriber station to produce a user interface (*e.g.*
20 Facebook generates a response viewable by a user that includes a viewing area and a map area); and
21 responding to the web page request by the at least one web server by initiating download of the at least
22 one web page to the subscriber station . *See* Ex. F-1, Figs. 1-11.
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25 65. The Accused Instrumentality infringes claim 16 of the '173 Patent as it performs the
26 method of claim 15 and further receives a selection from the subscriber station of a corresponding video
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1 media element and services the selection by causing presentation of the corresponding video media
2 element on the subscriber station. *See* Ex. F-1, Figs. 1-11.

3 66. The Accused Instrumentality infringes claim 24 of the '173 Patent as it performs the
4 method of claim 15 and at least some icons of the map area convey subjects of corresponding video
5 media elements. *See* Ex. F-1, Figs. 1-11.
6

7 67. The Accused Instrumentality infringes claim 25 of the '173 Patent as it performs the
8 method of claim 15 and the plurality of video media elements for presentation to the subscriber station
9 resides on a common Web site. *See* Ex. F-1, Figs. 1-11.

10 68. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered
11 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
12 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
13 invention by Defendant, together with interest and costs as fixed by the court.
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15 **COUNT VII**
16 **INFRINGEMENT OF U.S. PATENT NO. 9,083,672**

17 69. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
18 offers for sale products and/or systems (*i.e.*, the Accused Instrumentality) that infringes claims 14, 15,
19 16, 17, 18, and 19 of the '672 patent.
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21 70. Upon information and belief, Defendant has been and is now infringing claim 14, 15,
22 16, 17, 18, and 19 of the '672 Patent in the State of California, in this Judicial District, and elsewhere
23 in the United States, by, among other things, directly or through intermediaries, making, using, selling
24 and/or offering for sale the Accused Instrumentality, covered by one or more claims of the '672 Patent
25 to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the
26 '672 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '672
27 Patent pursuant to 35 U.S.C. § 271(a).
28

1 71. The Accused Instrumentality infringes claim 14 of the '672 Patent as it performs a
2 method for presenting a linear program of video elements by displaying a plurality of indicators in a
3 map area of a display screen (e.g. Facebook Video Search displays a plurality of potential videos in a
4 map area); displaying a forward link indicator corresponding to a next program element of the linear
5 program of video elements (e.g. Facebook Video Search provides a forward link tied to a next video);
6 selecting the next program element of the linear program of video elements in response to a user
7 selection of the forward link indicator; and displaying the selected next program element in a viewing
8 area of the display screen, wherein the video elements are stored on a server. *See* Ex. G-1, Figs. 1-7.
9

10 72. The Accused Instrumentality infringes claim 15 of the '672 Patent as it performs the
11 method of claim 14 and in response to a user selection of one of the plurality of indicators, selecting a
12 selected video element corresponding to one of the first, second, or third video element. *See* Ex. G-1,
13 Figs. 1-8.
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15 73. The Accused Instrumentality further infringe claim 16 of the '672 Patent as it performs
16 the method of claim 14 and in response to user selection of one of the plurality of indicators, highlights
17 the corresponding on of the first, second, or third video element. *See* Ex. G-1, Figs. 1-8.
18

19 74. The Accused Instrumentality further infringe claim 17 of the '672 Patent as it performs
20 the method of claim 14 and displays a backward link indicator corresponding to a previous program
21 element of a linear program of video elements. *See* Ex. G-1, Figs. 1-8.
22

23 75. The Accused Instrumentality further infringe claim 18 of the '672 Patent as it performs
24 the method of claim 14 and displays the linear program of video elements to a subscriber station at a
25 user location over the internet. *See* Ex. G-1, Figs. 1-8.
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1 element, the second video element or the third video element, wherein the plurality of indicators
2 includes at least one of: text, icons or graphical depictions (*e.g.* a video file); sending data for displaying
3 a forward link indicator corresponding to a next program element of the linear program of video
4 elements. (*e.g.*, it sends data for displaying a forward link indicator corresponding to a next program
5 element); selecting, by a server, the next program element of the linear program of video elements in
6 response to a user selection of the forward link indicator (*e.g.* Facebook video search providing a
7 forward link to the next media element and displaying the next media element in response to a user
8 selection of the forward link indicator); sending data for displaying the selected next program element
9 in a viewing area(*e.g.* Facebook video search sends data for displaying the selected next program
10 element in a viewing area) of the display screen (*e.g.*, it displays the data in a display window on a
11 computer, smartphone, or tablet); wherein the first video element, the second video element and the
12 third video element are stored on the server (*e.g.* the Facebook video search server stores the first video
13 element, the second video element, and the third video element). *See* Exhibit H-1, Figs. 1-15.

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16 81. When placed into operation by Defendant or its end users, the Accused Instrumentality
17 infringes claim 15 of the '814 Patent as they practice the method of claim 14 further and in response to
18 a user selection of one of the plurality of indicators, selecting a selected video element corresponding
19 to one of, the first video element, the second video element or the third video element. *See* Exhibit H-
20 1, Figs. 1-15.

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22 82. When placed into operation by Defendant or its end users, the Accused Instrumentality
23 infringes claim 16 of the '814 Patent as they practice the method of claim 14 further and in response to
24 a user selection of one of the plurality of indicators, highlighting the corresponding one of, the first
25 video element, the second video element or the third video element. *See* Exhibit H-1, Figs. 1-15.
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1 83. When placed into operation by Defendant or its end users, the Accused Instrumentality
2 infringes claim 17 of the '814 Patent as they practice the method of claim 14 further comprising:
3 displaying a backward link indicator corresponding to a previous program element of a linear program
4 of video elements. (*e.g.*, Facebook video search providing a backward link corresponding to a previous
5 program element). *See* Exhibit H-1, Figs. 1-15.
6

7 84. When placed into operation by Defendant or its end users, the Accused Instrumentality
8 infringes claim 18 of the '814 Patent as they practice the method of claim 14 further comprising:
9 sending data for displaying the linear program of video elements to a subscriber station at a user
10 location over an Internet. (*e.g.*, Facebook video search sends to a user video search results). *See* Exhibit
11 H-1, Figs. 1-15.
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13 85. When placed into operation by Defendant or its end users, the Accused Instrumentality
14 infringes claim 20 of the '814 Patent as they practice a method for navigating a linear Web program
15 wherein the linear Web program includes a plurality of addresses that correspond to a plurality of media
16 elements of a World Wide Web, wherein the plurality of addresses are ordered in the linear Web
17 program in accordance with a linear sequence, and wherein the linear Web program and the plurality
18 of media elements are stored on a network node (*e.g.*, Facebook video search sends to a user video
19 search results); sending data from the network node to display, in a display window of a display device
20 of a subscriber station at a user location, a first media element of the plurality of media elements, the
21 first media element having a forward link to a second media element of the linear Web program (*e.g.*,
22 Facebook video search presenting a second media element after receiving a second signal); sending the
23 linear Web program from the network node to the subscriber station (*e.g.*, Facebook video search sends
24 a plurality of video elements); when the first media element is displayed in the display window (*e.g.*,
25 it displays the first result in a display window on a computer, smartphone, or tablet), receiving a first
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1 signal in response to an action of the user indicating a first forward link activation, and in response to
2 the first signal, sending data from the network node to display in the display window, the second media
3 element of the linear Web program, the second media element having a forward link to a third media
4 element of the linear Web program (*e.g.*, Facebook video search presenting a second media element
5 after receiving a second signal); and when the second media element is displayed in the display
6 window, receiving a second signal in response to an action of the user indicating a second forward link
7 activation, and in response to the second signal, sending data from the network node to display in the
8 display window, the third media element of the linear Web program (*e.g.*, Facebook video search
9 presenting a second media element after receiving a second signal). *See* Exhibit H-1, Figs. 1-15.

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

16
17 **COUNT IX**
INFRINGEMENT OF U.S. PATENT NO. 9,864,575

18 87. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
19 offers for sale products and/or systems (*i.e.*, the Accused Instrumentality) that infringes claims 1, 2, 4,
20 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, and 20.

21
22 88. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 4,
23 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, and 20 of the '575 Patent in the State of California, in this Judicial
24 District, and elsewhere in the United States, by, among other things, directly or through intermediaries,
25 making, using, importing, providing, selling and/or offering for sale Accused Instrumentality, covered
26 by one or more claims of the '575 Patent to the injury of Hypermedia. Defendant is directly infringing,
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1 literally infringing, and/or infringing the '575 Patent under the doctrine of equivalents. Defendant is
2 thus liable for infringement of the '575 Patent pursuant to 35 U.S.C. § 271(a).

3 89. When placed into operation by Defendant or its end users, the Accused Instrumentality
4 infringes claim 1 of the '575 Patent as they practice a method for presenting a linear program of image
5 elements, the method comprising selecting, via a server of a World Wide Web, a first image element,
6 a second image element, and a third image element (*e.g.* image files); associating the image elements
7 in a linearly linked fashion to produce the linear program; (*e.g.* Facebook creates a linear program from
8 multiple image files); transmitting first data for display in a map area including a plurality of indicators,
9 second data including a forward link indicator that facilitates automatic selection of a next program
10 element, (*e.g.*, it sends a linear program with a map and displays a forward link indicator corresponding
11 to a next program element); receiving third data from a client device indicating a selection of one of
12 the plurality of indicators (*e.g.* image file selected); wherein the image elements are stored on the server
13 and can be selected to be sent to the client device. *See* Exhibit I-1, Figs. 1-28.

14 90. When placed into operation by Defendant or its end users, the Accused Instrumentality
15 infringes claim 2 of the '575 Patent as they practice the method of claim 1 further comprising:
16 transmitting fourth data for display on a client device, the fourth data having a backward link indicator.
17 (*e.g.*, Facebook video search image allows you to go forward and back using link indicators). *See*
18 Exhibit I-1, Figs. 1-28.

19 91. When placed into operation by Defendant or its end users, the Accused Instrumentality
20 infringes claim 4 of the '575 Patent as they practice the method of claim 1 further comprising: receiving
21 fourth data from the client device associated with the user indicating a selection by the user of the
22 forward link indicator; determining based on the linear program of image elements, the next program
23 element; transmitting the next program element to the client (*e.g.*, Facebook video search receives a
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1 signal that a user selected the forward link indicator and determines and transmits the next image
2 element in the linear program) *See* Exhibit I-1, Figs. 1-28.

3 92. When placed into operation by Defendant or its end users, the Accused Instrumentality
4 infringes claim 5 of the '575 Patent as they practice the method of claim 1 further comprising receiving
5 fourth data associated with the user indicating a search query, wherein the image elements are selected
6 based on the search query. (*e.g.*, Facebook video search receives a search query and returns image
7 elements based on the search query) *See* Exhibit I-1, Figs. 1-28.

9 93. When placed into operation by Defendant or its end users, the Accused Instrumentality
10 infringes claim 6 of the '575 Patent as they practice the method of claim 1 further comprising: receiving
11 fourth data associated with the user indicating a sequential selection; navigating the linear program in
12 a forward order in response. *See* Exhibit I-1, Figs. 1-28.

14 94. When placed into operation by Defendant or its end users, the Accused Instrumentality
15 infringes claim 7 of the '575 Patent as they practice the method of claim 1, further comprising:
16 receiving fourth data associated with the user indicating a sequential selection; navigating the linear
17 program in a forward order in response. (*e.g.* receiving a request to see the last image) *See* Exhibit I-1,
18 Figs. 1-28.

20 95. When placed into operation by Defendant or its end users, the Accused Instrumentality
21 infringes claim 10 of the '575 Patent as it practices a method of claim 1 further comprising: selecting,
22 via the server of the World Wide Web, a fourth image element; associating, via the server of the World
23 Wide Web, the fourth image element with the first image element, the second image element and the
24 third image element in the linearly linked fashion to produce the linear program of image elements (*e.g.*
25 Facebook video search creates a linear program from multiple image files); transmitting, via the server
26 of the World Wide Web, fourth data for display in the map area of the display screen of a client device
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1 associated with a user, the fourth data including an updated plurality of indicators, wherein at least one
2 of the updated plurality of indicators representing the fourth image element.

3 96. When placed into operation by Defendant or its end users, the Accused Instrumentality
4 infringes claim 11 of the '575 Patent as they practice a method for presenting a linear program of image
5 elements, the method comprising: associating a first image element, a second image element, and a
6 third image element to produce the linear program; (*e.g.* Facebook video search creates a linear program
7 from multiple image files); transmitting first data for display including a plurality of indicators;
8 receiving second data from a client device indicating a selection of one of the plurality of indicators;
9 (*e.g.* Facebook video search receives data indicating a selection of an image file); transmitting third
10 data including a forward link indicator that facilitates automatic selection of a next program element
11 (*e.g.* Facebook video search provides a forward link to the next image in the linear program), wherein
12 image element are stored on the server of the World Wide Web (*e.g.* Facebook video search stores the
13 image elements). *See* Exhibit I-1, Figs. 1-28.

14 97. When placed into operation by Defendant or its end users, the Accused Instrumentality
15 infringes claim 12 of the '575 Patent as they practice the method of claim 11 further comprising:
16 transmitting fourth data including a backward link indicator. (*e.g.* Facebook video search provides a
17 backward link to previous image elements). *See* Exhibit I-1, Figs. 1-28.

18 98. When placed into operation by Defendant or its end users, the Accused Instrumentality
19 infringes claim 14 of the '575 Patent as they practice the method of claim 11 further comprising:
20 receiving fourth data indicating a selection by the user of the forward link indicator; determining the
21 next program element; transmitting fifth data including the next program element. (*e.g.* Facebook
22 video search sends the next image file based upon receipt of the indication that a user selected the
23 forward link). *See* Exhibit I-1, Figs. 1-28.

1 99. When placed into operation by Defendant or its end users, the Accused Instrumentality
2 infringes claim 15 of the '575 Patent as they practice the method of claim 11 further comprising:
3 receiving fourth data associated with a search query, wherein the image elements are selected based on
4 the search query. *See* Exhibit I-1, Figs. 1-28.

5 100. When placed into operation by Defendant or its end users, the Accused Instrumentality
6 infringes claim 16 of the '575 Patent as they practice the method of claim 11 further comprising:
7 receiving fourth data indicating a sequential selection by the user of the forward link indicator;
8 sequentially navigating the linear program of image elements in a forward order in response to the
9 fourth data (*e.g.* Facebook video search receives indication of the selection of the forward link and
10 navigates to the next image file). *See* Exhibit I-1, Figs. 1-28.

11 101. When placed into operation by Defendant or its end users, the Accused Instrumentality
12 infringes claim 17 of the '575 Patent as they practice the method of claim 16, wherein sequentially
13 navigating the linear program includes sequentially transmitting fifth data successive ones of the linear
14 program of image elements in the forward order. (*e.g.* Facebook video search sends the next image
15 file sequentially). *See* Exhibit I-1, Figs. 1-28.

16 102. When placed into operation by Defendant or its end users, the Accused Instrumentality
17 infringes claim 20 of the '575 Patent as they practice a method for presenting a linear program of image
18 elements, the method comprising receiving fourth data from a client devices associated with a user
19 indicating a search query; selecting a plurality of image elements responsive to the search query;
20 associating the plurality of image elements to produce the linear program of image elements;
21 transmitting first data for display in a map area including a plurality of indicators; (*e.g.* based on a
22 search query, Facebook video search selects and associates the responsive image files to produce and
23 transmit the linear program); transmitting second data including a forward link indicator; receiving
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1 third data indicating a selection of one of the plurality of indicators, wherein the plurality of image
2 elements are store on the server of the World Wide Web. (e.g. Facebook video search stores the image
3 files). See Exhibit I-1, Figs. 1-28.

4
5 **PRAYER FOR RELIEF**

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

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

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

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

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

17 e. That Hypermedia be granted such other and further relief as the Court may deem just
18 and proper under the circumstances.
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21 **DEMAND FOR JURY TRIAL**

22 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury or
23 any issues so triable by right.
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NI, WANG & MASSAND, PLLC

1
2 Dated: August 29, 2018

By: /s/ Hao Ni
HAO NI

3
4 **Attorney for Plaintiff**
Hypermedia Navigation LLC

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6
7 **CERTIFICATE OF SERVICE**

8 I certify that all counsel of record is being served on August 29, 2018, with a copy of this
9 document via the Court's CM/ECF system.
10

11 /s/ Hao Ni
12 Hao Ni