

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

GUILD FOREST LLC,

Plaintiff,

vs.

MYSPACE LLC,

Defendant.

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Case No:

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Guild Forest LLC (“Plaintiff” or “Guild Forest”) files this Complaint against Myspace LLC (“Defendant” or “Myspace”) for infringement of United States Patent No. 8,046,697 (hereinafter “the ‘697 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 3000 Custer Rd., Suite 270-7003, Plano, TX 75075.

4. On information and belief, Defendant is a Delaware limited liability company with a principal address of 8391 Beverly Boulevard Suite 349, Los Angeles, CA 90048. On information and belief, Defendant may be served with process through its agent, Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,046,697)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '697 Patent with sole rights to enforce the '697 Patent and sue infringers.

11. A copy of the '697 Patent, titled "System and Method for Customizing an Interface Related to Accessing, Manipulating and Viewing Internet and Non-internet Related Information," is attached hereto as Exhibit A.

12. The '697 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, 2, 8, and 9 of the '697 Patent by making, using (including during testing and maintenance), importing, selling, and/or offering devices, platforms,

systems, and/or methods for creating a user profile for use in Internet-based advertising, which is/are covered by at least Claims 1, 2, 8, and 9 of the '697 Patent. Defendant has infringed and continues to infringe the '697 patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses social media platforms, such as Myspace.com, and any similar products ("Product"), which infringe at least Claims 1, 2, 8, and 9 of the '697 Patent.

15. Regarding Claim 1, the Product creates a user profile (e.g., a user profile for online interest-based advertising) in a computer implemented guide on a computer system (e.g., the Myspace.com server). The Product creates a user profile when the user creates an account at Myspace.com. The Product collects basic user information (e.g., user name, age etc.) from the user's Myspace account information. The Product also monitors the user's activity on Myspace.com and learns about the user's interests (e.g., a user's likes, follows, and browsed interests etc.). The accused system also scans local applications (e.g., GPS application, etc.) of the user computer and scans data therein (e.g., GPS data, etc.). These elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

Sign in to Myspace

Use Facebook, Twitter or your email to sign in.
Don't have a Myspace account yet? No worries, [joining](#) is easy.



EMAIL OR USERNAME

PASSWORD

[Forgot password?](#) Keep me signed in

Sign In


<https://myspace.com/signin>

myspace. Find a favorite artist, song or album | Music Search POWERED BY Google

Home Mail Profile Friends Music Video Games More My Account Sign Out

music My Music Music Videos Charts New Releases Featured Playlists Karaoke Shows Forums

Pei Pei
Indie / Pop / Rock

 Seattle, United States
Profile Views: 208
Online Now!

Last Login: 3/18/2010
View My: [Pics](#) | [Videos](#) | [Playlists](#)

Contacting Pei Pei

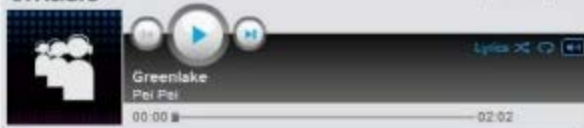
- Send Message
- Forward to Friend
- Add to Friends
- Add to Favorites
- IM / Call
- Block User
- Add to Group
- Rank User

MySpace URL:
www.myspace.com/peixz

Pei Pei: General Info

Member Since	3/1/2010
Band Members	Sayuri Wijaya Gould
Influences	Too many to list them all. They include Pink, U2, Zee Avi, A Fine Frenzy, Black Whale, Damien Rice, and more.
Type of Label	Unsigned

music Pop Out Player



- Greenlake by Pei Pei 1 plays
- I Don't Need To Be Rich by Pei Pei 14 plays
- I Love You by Pei Pei 14 plays
- Bitter Heart by Zee Avi by Pei Pei 1 plays

Albums (0) Videos (0) Playlists (0) Plays today: 25 Total plays: 51

Upcoming Shows (view all)

Mar 20 2010	7:00P	Freshy's Cafe	Seattle, Washington
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Pei Pei's Latest Blog Entry [\[Subscribe to this Blog\]](#)

[\[View All Blog Entries\]](#)

About Pei Pei

Making music is one of my life-long hobbies. I've been playing the acoustic guitar on-and-off since I was 14. I've always loved singing but I grew up with different genres of music: the "Ave Maria", Broadway and Disney kind. I was in the school and church choirs back in the day. I even performed in Carnegie Hall on my first trip to the States with my high school choir.

Just recently, I started taking this guitar-playing and singing rock/pop/indie songs more seriously. And hence, the creation of this mySpace profile.

<https://finance.yahoo.com/news/why-old-myspace-account-could-170900978.html>

- We collect certain information about you when you interact with the Myspace Services (e.g., Usage Information), both by directly asking you to provide us with such information and by automatically collecting it, including through the use of Web Technologies. Some of this information may be shared with third parties, including other Users and Visitors, advertisers, advertising related service providers and VIANT affiliates, as described further below.
- Third parties – including linked services (e.g., Twitter), advertisers, and advertising service providers may also collect certain information about you in connection with your use of the Myspace Services (e.g., Usage Information).
- Your media consumption activities (e.g., streaming and downloading music, streaming video, IPTV, digital video, etc.) may be tracked through your use of the Myspace Services, subject to some limited preference settings. We may use and disclose this media content consumption information as provided below for up to two (2) years from the date in which you consent unless you otherwise withdraw your consent. If we obtain a new consent from you after the date that we obtain your original consent, this period will be extended for additional two (2) year periods each time we obtain a new consent from you. If your account is inactive for over two years, we may still store your media content consumption information for a reasonable period of time so that it will be available again if you reactivate your account. However, we are not obliged to store that information. Please review the terms of our [Video Privacy Policy](#), which supplements this Policy.
- You may be served with targeted advertising on the Myspace Services and on websites, applications, and other platforms owned or controlled by third parties based on information about you collected both on and off the Myspace Services, including advertisements based on your location and/or Usage Information.

<https://myspace.com/pages/privacy>

1. **Who We Are**

Welcome to Myspace®, a place where people come to connect, discover, and share. Showcasing artists and their work, Myspace gives people access to a massive digital music library. With roots in music and social, the platform is built to empower all artists—from musicians and designers to writers and photographers—helping them connect with audiences, collaborators, and partners to achieve their goals. Through an open design, compelling editorial features, and analytics-based recommendations, Myspace fosters a creative community of people who connect around mutual affinity and inspiration for the purpose of shaping, sharing, and discovering what's next.

Myspace services include: (i) those offered on any Myspacebranded URL, including www.myspace.com (the "**Myspace Website**"); (ii) Myspace messaging services (e.g., instant messaging, private messaging, public and private group chatting, etc.); (iii) Myspace music and video services (including, without limitation, any Myspace TVbranded video service ("**Myspace TV™**"); (iv) Myspace developer services; (v) Myspace mobile services; (vi) Myspace advertising services; and (vii) any other features, content, or applications offered or operated from time to time by Myspace in connection with Myspace's business, including when Myspace is accessed via the internet, mobile device, television or other device (collectively, "**Myspace Services**"). The Myspace Services are hosted in the United States. We may also transfer your data to other countries (including countries outside of the European Economic Area) for processing by staff who work for us or for one of our contractors.

<https://myspace.com/pages/privacy>

3.1. **Information You Provide To Us**

Personal Information That You Provide

We may ask you to provide us with certain information when you interact with the Myspace Services.

Information that identifies you as a particular individual is referred to in this Policy as "Personal Information". This would include your full name, e-mail address, telephone number and street address.

We collect Personal Information through the Myspace Services when you choose to provide us with such information, for example, when you register to become a Member. We may also collect Personal Information through a variety of other methods, including when you elect to contact us, submit Profile Content or otherwise interact with the Myspace Services. We may aggregate certain items of your Personal Information (such as your age) to create anonymized statistical information about our User base (which we refer to as "Aggregated Information."). Once aggregated, the information in question can no longer be re-attached to you, so it is no longer Personal Information.

Registration Information

Certain features of the Myspace Services are only accessible by Members who have registered with Myspace and created a Myspace account ("Account"). In order to do so, you must first complete a registration form that requests certain basic registration information from you, such as your full name, e-mail address, date of birth, and gender (collectively, "Registration Information").

Profile Content

When you sign up as a Member, you are required to create one or more Myspace profiles that are associated with your Account (each, a "Profile"). Myspace may allow you to populate your Profile with certain content chosen by you, and we may also associate additional content with your Profile based on your interactions with the Myspace Services, such as your video viewing and other related activities (collectively, "Profile Content"). Any Profile Content that Myspace allows you to submit must comply with the restrictions set forth in our [Terms of Use](#) at all times. Please note that your Profile Content may contain Registration Information.

The information in your Profile Content is grouped into two main categories – Restricted Information and Public Information.

<https://myspace.com/pages/privacy>

"**Restricted Information**" refers to those portions of the Profile Content and Activity Notifications associated with your Profile to which you may elect to restrict public access by changing the Profile settings that Myspace may make available to you from time-to-time [here](#) ("**Profile Settings**") or by changing other functionality specific settings on the Myspace Services. These Profile Settings may permit you to create a "**Restricted Profile**" by choosing to enable certain (but not absolute) limitations on the availability of certain aspects of your Profile that are not required by Myspace to be Public Information (as described below), certain associated Profile Content, and some of the notifications that Myspace produces regarding your activities ("**Activity Notifications**"). Further, unless otherwise provided by Myspace, all of your Profile Content and Activity Notifications will still be available to the people whose Profiles you allow to connect to you.

"**Public Information**" refers to the portion of your Profile Content that can always be viewed, accessed, and used by anyone with access to the Myspace Services (e.g., Myspace, other Users, search engines, advertisers, application developers, other third parties, etc.). Any Profile Content that does not otherwise constitute Restricted Information is considered Public Information for the purposes of this Policy. The following information is Public Information that cannot be changed to Restricted Information:

- Full Name
- Username
- Profile URL
- About Me (the portion of your Profile that provides a place to describe yourself)
- Profile Photo
- Profile Cover
- Stated Location
- Gender
- Age
- Myspace IDs

<https://myspace.com/pages/privacy>

3.2. Information We Collect Or Store As You Access And Use The Myspace Services

In addition to the information that you choose to submit to us via the Myspace Services, we and our third-party service providers may also collect certain information about you automatically, including through the use of various technologies that passively store or collect certain information whenever you interact with the Myspace Services. This may include information about the nature of a User's interactions with the Myspace Services, such as his or her media consumption activities ("**Usage Information**"). Usage Information may be stored or accessed using a variety of technologies including **cookies, web beacons, embedded scripts, entity tags** and other similar technologies whether now or later devised (collectively "**Web Technologies**"), some of which may be downloaded to the computer or other **Device**. The Usage Information that we collect may be non identifying or it may be associated with you, your Account, and your Profile(s). In the event we collect certain information about your interaction with the Myspace Services while you are a Visitor, Myspace may associate that information with your Account if you subsequently become a Member.

Examples of the Usage Information we may collect include:

- your IP address or unique **Device Identifiers**:
- your Device functionality (e.g., browser type, operating system, hardware, mobile network information, etc.):
- the URL that referred you to the Myspace Services:
- the areas within the Myspace Services that you visit and your activities there, including remembering you and your preferences, which artists you are listening to, what videos you are viewing, or Profiles or content pages you choose to connect with, etc.;
- your Device location (including using GPS and longitude and latitude location information):
- your Device characteristics:
- certain other Device data (e.g., the time of day when the Device is used); and
- ranking information about you with respect to other Users or content pages that you interact with (e.g., Myspace may record the links to content pages that you post and rank your association with that content compared to other Users).

<https://myspace.com/pages/privacy>

Myspace may receive various types of information about you from our Affiliates and from other third parties, including Personal Information (including unique Device Identifiers), web usage information, and inferences drawn from that data.

Myspace may also receive or collect certain information about you from third-party websites, platforms, or services in the event you choose to take advantage of various features that may allow you to integrate information on or to the Myspace Services. For example, Myspace may provide you with the option to voluntarily: (i) sync content from Twitter that will appear on the Myspace Services in your activity feed; (ii) authenticate your identity and register for Myspace using Facebook's authentication protocol; or (iii) otherwise integrate information from third-party sources. Similarly, we may allow third-party websites, platforms, or services to develop software applications that you can elect to install on your Account in order to provide additional functionality to the Myspace Services. These third party integrations and applications are collectively referred to in this Policy as "**Third-Party Linked Services**". Should you voluntarily choose to take advantage of the Third-Party Linked Services offered through the Myspace Services, we may receive certain information about you from the relevant third-party providers, including the following:

- Name
- Nickname or username
- Photo or graphic avatar
- Unique third-party website identifier (e.g., Facebook User ID)
- Biographical Information (e.g., professional title, gender, college attended, etc.)
- Likes and interests
- Connections
- Content accessed or associated with your third party service account (e.g., articles, songs, videos)
- Any information that is publicly available on third-party websites
- Device location (including GPS and longitude and latitude location information)
- Other information that you choose to share with Myspace

<https://myspace.com/pages/privacy>

Many of the Myspace Services are free to Users because they are supported by advertising. We strive to make the advertising on the Myspace Services as relevant to you as possible. As a result, you may be served ads that are personalized based on, for example, your location, age, gender, content consumption, connections and other information, and we and third parties may use Web Technologies to deliver these ads. Additionally, we may share your Personal Information, Usage Information, Device Identifiers, and any other information that we receive or collect with third parties (including our Affiliates and our thirdparty advertising partners) in order to enable customization of the advertising displayed on the Myspace Services, other websites across the internet and other platforms, services and networks, including mobile and other connected Device platforms, and for other purposes not prohibited by this Policy. The parties with whom we may share your information may supplement your information with information they receive about you from others, in order to customize the advertisements they serve. They may also, in turn, share your information with others.

If you do not wish for Myspace to use or share your information for purposes of personalized advertising, please click [here](#) to adjust your Myspace privacy settings.

For additional information regarding the privacy practices of our thirdparty advertising partners, as well as the choices that they may make available to you, please click [here](#).

4.2.10. How we protect your privacy when targeting ads to you

When we or our affiliates use your personal data to deliver targeted advertising to you, we use ad delivery technologies that encrypt information that would otherwise identify you to prevent the third party advertiser from knowing who you are. The encryption technologies that we use convert data that identifies you (like a registered account name or e-mail address) into a string of characters that cannot be turned back into information that identifies you. So the third party that displays the ad to you will know that the ad is being displayed to someone with certain characteristics (e.g., a woman in her early twenties who likes to listen to Rihanna and go to music events) but the third party won't have your name, e-mail address or any other information that would allow them to identify you specifically. We add information about the ads that have been shown to you and information about devices, purchasing or online behavior associated with a particular encryption-generated identifier to create a profile for that identifier. This profile helps us to better match ads to your interests and avoid showing you the same ads too many times. If you have a Myspace account, we store that profile until you delete your Myspace account or

<https://myspace.com/pages/privacy>

The key to MySpace's ad platform is their hypertargeting technology. Facebook allows targeting as well, although it's based on interest areas put in by users directly. So if someone says they like books, you can target ads to them based on that. What MySpace does is much different – they build out a profile of each user based on what they do on MySpace over time, with 1,200 different ways to categorize each user. So if you only want to target women who live in California between the ages of 25-30 who like motorcycles, i can. There are 2,842 of them on MySpace. And if I just want to target those in San Francisco, I can. There are 147 of them (the ad tool tells you all of this):

<https://techcrunch.com/2008/10/12/myspace-launches-my-ads-self-serve-ad-platform/>

Details Total number of users X

Select the gender and age of who you want to see your ad

Gender: Females Only Age: All Ages
 25 to 30

OK

Select the location(s) where you want your ad to appear

National - US
 Regional
 State/City

CA
 San Bruno
 San Carlos
 San Clemente
 San Diego
 San Dimas
 San Fernando
 San Francisco
 San Gabriel
 San Gregorio
 San Jacinto
 San Juan

San Francisco, CA

OK

Select the interests of your audience

1 - Choose Interest Category	2 - Select a Genre		
▶ Auto	Car tuning	Add	
▶ Books	Motorcycle	Add	
▶ Fashion	Muscle cars	Add	
▶ Health & Fitness	Trucks	Add	
▶ Miscellaneous			
▶ Movies			
▶ Music			
▶ Television			

Category	Genre	# of users	Delete
Auto	Motorcycle	428,015	X

<https://techcrunch.com/2008/10/12/myspace-launches-my-ads-self-serve-ad-platform/>

Just in time for the imminent launch of its music site, MySpace quietly went live with its Self-Service Advertising Service last night. The new product allows any user to create and post an advertising unit to the site.

Based on demographic data and interests posted by MySpace users, large and small advertisers can hone in on the specific group that they would like to target.

The service is free to set up (though there is a \$25 minimum for campaigns) and advertisers pay only according to how many users click on their ad. The ad unit, either a 728×90 or 300×250 banner ad, will run until the campaign has met its expiration date or the advertiser's spending limit.

With MySpace Music set to launch any day now, self-service ads are part of a variety of ways that small musicians and other brands can monetize their presence on the social network. MySpace musicians can also sell music, ringtones, concert tickets, and merchandise on the network.

<https://www.wired.com/2008/09/myspace-now-wit/>

Social network MySpace unveils MySpace MyAds advertising platform in US beta

News Corporation's social network MySpace has today announced the official launch of its advertising platform, MySpace MyAds. The new ad platform aims to give individuals and small businesses access to the MySpace community through a 'do-it-yourself' platform.

MyAds is customisable and allows user to create customisable with banners with and target specific audiences within MySpace through HyperTargeting. Advertisers will also have the ability to track their campaign and analyse performance through the MySpace ecosystem.

MySpace's president of sales and marketing, Jeff Berman, says that MySpace ads "blows the lid off" other display advertising solutions – particularly with the small to medium business market. He goes on to say, "MySpace MyAds is a direct marketer's dream – providing entrepreneurs with the most accessible, personalised, and targeted advertising toolkit in the market. We're giving businesses better ROI ASAP and in today's economy, that's a must-have."



MySpace's HyperTargeting's technology enables advertisers to serve their ad campaign to the right audience by target parameters such as age, sex, and geographical location, alongside the user interest categories including specific keywords within each category. Once the creative, audience and campaign length have been determined by the advertiser, the ad is reviewed through MySpace's customer support to ensure that the ad does not violate MySpace's terms of service. The official press release issued today states that campaigns can be created and live within hours.

<https://www.socialmediaportal.com/News/2008/10/MySpace-launches-own-advertising-platform-MyAds.aspx>

What is interest-based advertising?

Interest-based advertising -- which is also sometimes called "online behavioral advertising" -- uses information gathered about your visits over time and across different websites or applications in order to help predict your preferences and show you ads that are more likely to be of interest to you. For example, a sporting goods manufacturer might work with an advertising network that collects and uses interest-based advertising information to deliver ads to the browsers of users that have recently visited sports-related sites, or an airline might direct ads to users that recently visited mobile travel apps.

How does interest-based advertising work?

When a user visits a web site or app that participates in an advertising network or works with other online advertising companies, these advertising companies gather information about the user's browser or device in order to tell when that same user browser or device visits other web sites or apps within the same network - even if these content offerings are run by different companies or have different web addresses or brands. Over time, the information gathered about the browser or device may help predict the user's likely interest in particular categories of ads: for example, users who frequently visit baseball-related Web sites might receive more ads for the "baseball/sports enthusiast" category, or users who engage with automobile review apps might receive more ads for the particular models of cars that interest them.

<https://www.aboutads.info/how-interest-based-ads-work>

HOW DO I GET PLACED IN INTEREST CATEGORIES AND GROUPS?

The basic way you are placed into an interest category or group on a browser is based on your visits to websites. Let’s say an NAI member company partnered with a clothing retail website that you visit. That NAI member would assign an ID to your browser usually by storing a unique ID number in a text file or cookie on your browser. This is then matched to a “clothing shopper” category by pairing that ID number with interest categories/groups in an online database.

Unique ID Number	Matched Categories
450982374	"Male","Age 25-34","clothing"

Other information can be used to match you into a group, as well. For example, if you have previously purchased oxford shirts from that retail website, the website could tell the NAI company to also match “oxford shirt buyer” to the ID.

On mobile apps, the process is similar but it uses a different set of technologies. The mobile operating system you use, like Android or iOS, is likely to provide an identifier specifically for advertisers to use. This Mobile Advertising Identifier functions similarly to a cookie. It enables advertisers to identify your behavior across apps, without needing to use a more permanent phone or tablet identifier. Most of these identifiers include privacy options that allow users to reset the assigned identifier or to opt-out of Cross-App Advertising.

To do Cross-App Advertising, the NAI member may work with an app so that it can send them information relevant to your preferences. For example, if you open an app to look for highly rated local seafood restaurants, that app may tell the NAI member that a user with your device identifier may be interested in seafood, and that the user is in downtown Manhattan. This information may be used to show ads for more local seafood places.

Mobile Device Identifier	Matched Categories
AEBE52E7-03EE-455A-B3C4-E57283966239	"Male","Age 25-34","seafood","downtown Manhattan"

<https://www.networkadvertising.org/understanding-online-advertising/how-does-it-work>

16. The Product creates a user profile database (e.g., a Myspace user profile database for advertisement) for storing user profile parameters (e.g., location, user device, education, age, etc.). The Product derives user profile parameters (e.g., location, user device, education, age, etc.) from basic information in a Myspace user account, monitors interests based on user activity, and also collects local application data (e.g., GPS data etc.) from a user’s device. The Product creates a database for storing the user profile parameters for use in directed advertising. These elements are illustrated in the screen shots provided in connection with other allegations herein.

17. The Product monitors a user's interactions (e.g., browsing, following, or liking) from a user computer (e.g., a smartphone enabled with the Myspace app, a computer, or a laptop) with remote Web (e.g., the activity on the Myspace.com website or on other third party websites which are partnered with Myspace.com) and non-Web related (e.g., gathered device data such as

mobile/network operator, ISP, time zone, signal strength, message, etc.) sources of content. The Product utilizes cookies to monitor a user's interactions (e.g., what is liked, browsed, bought) on Myspace.com or partnered third party websites. The accused system also utilizes cookies to monitor non-web related information such as off site, mobile/network operator, messages, signal strength, etc. These elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

- We collect certain information about you when you interact with the Myspace Services (e.g., Usage Information), both by directly asking you to provide us with such information and by automatically collecting it, including through the use of Web Technologies. Some of this information may be shared with third parties, including other Users and Visitors, advertisers, advertising related service providers and VIANT affiliates, as described further below.
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<https://myspace.com/pages/privacy>

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<https://myspace.com/pages/privacy>

"**Restricted Information**" refers to those portions of the Profile Content and Activity Notifications associated with your Profile to which you may elect to restrict public access by changing the Profile settings that Myspace may make available to you from time-to-time [here](#) ("**Profile Settings**") or by changing other functionality specific settings on the Myspace Services. These Profile Settings may permit you to create a "**Restricted Profile**" by choosing to enable certain (but not absolute) limitations on the availability of certain aspects of your Profile that are not required by Myspace to be Public Information (as described below), certain associated Profile Content, and some of the notifications that Myspace produces regarding your activities ("**Activity Notifications**"). Further, unless otherwise provided by Myspace, all of your Profile Content and Activity Notifications will still be available to the people whose Profiles you allow to connect to you.

"**Public Information**" refers to the portion of your Profile Content that can always be viewed, accessed, and used by anyone with access to the Myspace Services (*e.g.*, Myspace, other Users, search engines, advertisers, application developers, other third parties, etc.). Any Profile Content that does not otherwise constitute Restricted Information is considered Public Information for the purposes of this Policy. The following information is Public Information that cannot be changed to Restricted Information:

- [Full Name](#)
- [Username](#)
- [Profile URL](#)
- [About Me \(the portion of your Profile that provides a place to describe yourself\)](#)
- [Profile Photo](#)
- [Profile Cover](#)
- [Stated Location](#)
- [Gender](#)
- [Age](#)
- Myspace IDs

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3.2. Information We Collect Or Store As You Access And Use The Myspace Services

In addition to the information that you choose to submit to us via the Myspace Services, we and our third-party service providers may also collect certain information about you automatically, including through the use of various technologies that passively store or collect certain information whenever you interact with the Myspace Services. This may include information about the nature of a User's interactions with the Myspace Services, such as his or her media consumption activities ("**Usage Information**"). Usage Information may be stored or accessed using a variety of technologies including **cookies, web beacons, embedded scripts, entity tags** and other similar technologies whether now or later devised (collectively "**Web Technologies**"), some of which may be downloaded to the computer or other **Device**. The Usage Information that we collect may be non identifying or it may be associated with you, your Account, and your Profile(s). In the event we collect certain information about your interaction with the Myspace Services while you are a Visitor, Myspace may associate that information with your Account if you subsequently become a Member.

Examples of the Usage Information we may collect include:

- your IP address or unique **Device Identifiers**;
- your Device functionality (e.g., browser type, operating system, hardware, mobile network information, etc.);
- the URL that referred you to the Myspace Services;
- the areas within the Myspace Services that you visit and your activities there, including remembering you and your preferences, which artists you are listening to, what videos you are viewing, or Profiles or content pages you choose to connect with, etc.;
- your Device location (including using GPS and longitude and latitude location information);
- your Device characteristics;
- certain other Device data (e.g., the time of day when the Device is used); and
- ranking information about you with respect to other Users or content pages that you interact with (e.g., Myspace may record the links to content pages that you post and rank your association with that content compared to other Users).

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Myspace may receive various types of information about you from our Affiliates and from other third parties, including Personal Information (including unique Device Identifiers), web usage information, and inferences drawn from that data.

Myspace may also receive or collect certain information about you from third-party websites, platforms, or services in the event you choose to take advantage of various features that may allow you to integrate information on or to the Myspace Services. For example, Myspace may provide you with the option to voluntarily: (i) sync content from Twitter that will appear on the Myspace Services in your activity feed; (ii) authenticate your identity and register for Myspace using Facebook's authentication protocol; or (iii) otherwise integrate information from third-party sources. Similarly, we may allow third-party websites, platforms, or services to develop software applications that you can elect to install on your Account in order to provide additional functionality to the Myspace Services. These third party integrations and applications are collectively referred to in this Policy as "**Third-Party Linked Services**". Should you voluntarily choose to take advantage of the Third-Party Linked Services offered through the Myspace Services, we may receive certain information about you from the relevant third-party providers, including the following:

- Name
- Nickname or username
- Photo or graphic avatar
- Unique third-party website identifier (e.g., Facebook User ID)
- Biographical Information (e.g., professional title, gender, college attended, etc.)
- Likes and interests
- Connections
- Content accessed or associated with your third party service account (e.g., articles, songs, videos)
- Any information that is publicly available on third-party websites
- Device location (including GPS and longitude and latitude location information)
- Other information that you choose to share with Myspace

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18. The Product scans local memory (e.g., a user device's storage) of the user computer (e.g., a smartphone enabled with Myspace app, a computer, or a laptop) to examine local applications (e.g., Myspace will scan local applications on a user computer such as a location application, or media managing applications to collect data). The Product extracts information about local applications (e.g., location application, or media manager application) of a user computer. These elements are illustrated in the screen shots provided in connection with other allegations herein.

19. The Product scans local memory (e.g., storage of a user device) of the user

computer (e.g., a smartphone with Myspace app, a computer, a laptop) to examine local application applications (e.g., local applications of a user computer such as location application, media manager application (i.e., gallery), etc.) data information content (e.g., GPS data, media files/photos/videos, etc.). The Product reads local application data (e.g., GPS data etc.) from local applications (e.g., local applications of a user computer such as location application, media manager application (i.e., gallery), etc.) of a user computer (e.g., a smartphone with Myspace app, a computer, a laptop). These elements are illustrated in the screen shots provided in connection with other allegations herein.

20. The Product determines interests of the user based on said steps of scanning (e.g., the accused system scans a location application of a user computer to determine GPS data of the user computer to determine interests a user might have based upon their location), the interests comprising at least one interest that is not selected from a predefined list of potential interests (e.g., interest in content tied to a particular location that is determined based on GPS data is not selected by a user from a predefined list). The Product determines user interest based on a user's location so that advertisements related to said location can be appropriately served to the user. These elements are illustrated in the screen shots provided in connection with other allegations herein.

21. The Product automatically derives user profile parameters (e.g., location, user device, user device operating system, about, etc.) based on said step of monitoring and said steps of scanning (e.g. the accused system will gather user information by monitoring user activity on the Myspace.com website and scanning a user device for data such as GPS coordinates etc.). These elements are illustrated in the screen shots provided in connection with other allegations herein.

22. The Product updates the user profile database (e.g., a Myspace user profile database used for advertisement purposes) based on the user's use of the computer system (e.g., a user's

access of Myspace). The Product updates a database (i.e., user profile database) for storing user profile parameters with newly derived user profile parameters (e.g., geographical location, age, etc.) so that customized and targeted advertisements can be served. These elements are illustrated in the screen shots provided in connection with other allegations herein.

23. Regarding Claim 2, the Product uses the user profile parameters are used to identify new content items of interest to the user. The Product updates the user profile database (e.g., a Myspace user profile database used for advertisement purposes) based on the user's use of the computer system (e.g., a user's access of Myspace). The Product updates a database (i.e., user profile database) for storing user profile parameters with newly derived user profile parameters (e.g., geographical location, age, etc.) so that customized and targeted advertisements can be served. These elements are illustrated in the screen shots provided in connection with other allegations herein.

24. Regarding Claim 8, the Product derives a plurality of sets of user profile parameters for a plurality of users, each of the plurality of sets being derived according to the activity of that user. The Product updates the user profile database (e.g., a Myspace user profile database used for advertisement purposes) based on the user's use of the computer system (e.g., a user's access of Myspace). The Product updates a database (i.e., user profile database) for storing user profile parameters with newly derived user profile parameters (e.g., geographical location, age, etc.) so that customized and targeted advertisements can be served. These elements are illustrated in the screen shots provided in connection with other allegations herein.

25. Regarding Claim 9, the Product uses the plurality of sets of user profile parameters to identify new content items for the respective users. The Product updates the user profile database (e.g., a Myspace user profile database used for advertisement purposes) based on the

user's use of the computer system (e.g., a user's access of Myspace). The Product updates a database (i.e., user profile database) for storing user profile parameters with newly derived user profile parameters (e.g., geographical location, age, etc.) so that customized and targeted advertisements can be served. These elements are illustrated in the screen shots provided in connection with other allegations herein.

26. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

27. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

28. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,046,697 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under

law or equity.

Dated: September 25, 2018

Respectfully submitted,

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