IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

NETSOC, LLC,)	
Plaintiff,)	
) Civil	Action No. 3:18-cv-1809
V.)	
)	
MATCH GROUP, LLC) JUR	Y TRIAL DEMANDED
Defendant.)	

PLAINTIFF'S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

NetSoc, LLC ("NetSoc") files this Second Amended Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 9,978,107 by Match Group, LLC; POF Media ULC; and, Humor Rainbow, Inc., alleging as follows¹:

I. THE PARTIES

- 1. Plaintiff NetSoc is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.
- 2. On information and belief, the Defendants Match Group, LLC; POF Media ULC; and, Humor Rainbow, Inc. are related entities through the Match Group, Inc. and are identified as follows:
 - a. Match Group, LLC ("Match Group") maintains, owns, administers and operates the website www.match.com and www.tinder.com. Match Group is a domestic corporation organized and existing under the laws of Delaware, with a principal place of business located at 8750 N Central Expressway, Dallas, TX 75231. Match Group has been served. On information and belief, Match Group sells and offers to sell products and services throughout Texas, including in this judicial

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¹ Defendants are not opposed to the Motion for Leave to file this Complaint.

- district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.
- b. Plentyoffish Media ULC ("POF") maintains, owns, administers and operates the website www.pof.com. POF is a Canadian Company. On information and belief, POF sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.
- c. Humor Rainbow, Inc. ("Ok Cupid") maintains, owns, administers and operates the website www.okcupid.com. OK Cupid is a New York corporation. On information and belief, OK Cupid sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

II. JURISDICTION AND VENUE

- 3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.
- 4. This Court also has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. § 1332(a)(1) because
 - a. Plaintiff is a limited liability company organized under the laws of the State of Texas;

- b. Defendant Match Group is a Delaware Corporation;
- c. Defendant POF is a company organized in Canada;
- d. Defendant OkCupid is a New York Corporation; and,
- e. the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.
- 5. This Court has personal jurisdiction over all Defendants because: (i) Defendants are present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendants have purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas and in this judicial district.
- 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendants have committed acts of infringement and, on information and belief, have a regular and established place of business in this District. Further, venue is proper because Defendants conduct substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT ('107 Patent)

7. On May 22, 2018, U.S. Patent No. 9,978,107 ("the '107 patent", attached as Exhibit A) entitled "Method and System for Establishing and Using a Social Network to Facilitate People in Life Issues" was duly and legally issued by the U.S. Patent and Trademark Office. NetSoc, LLC owns the '107 patent by assignment.

8. The '107 patent relates generally to a method and system for establishing and using a social network to facilitate people in life issues.

A. Tinder

- 9. Match Group owns, maintains, operates, and administers a website at www.tinder.com that infringes one or more claims of the '107 patent, including at least claims 1-11, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '107 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.
- 10. Support for the allegations of infringement may be found in the following preliminary table:

CLAIM ELEMENT	PRESENT IN TINDER
1. A method for establishing a social network, the method being implemented on a network computer system and comprising:	Preamble, non-limiting. Plaintiff contends Tinder corresponds to a social network. Plaintiff further contends Tinder is implemented on a network computer system.
maintaining a list comprising a plurality of participants, wherein each participant in the plurality of participants corresponds to one or more individuals,	Users of Tinder create a profile. The profile includes information such as username, address, age, sex, desired matches, and other information.
	Plaintiff contends profiles created by one or more individuals are maintained in one or more databases. The one or more databases correspond to a list of one or more individuals. The profile information comes from an individual's Facebook account information and is linked to the individual's Tinder account. According to the IAC 10-K for 2017, on

	page 17, Tinder also allows user access from mobile phones.	
wherein the list also includes information associated with at least one of each participant or the one or more individuals that correspond to each participant;	Individual users of Tinder create a profile. The profile includes information such as address, age, sex, desired matches, and others.	
	Plaintiff contends profiles created by one or more individuals, along with the information, are maintained in one or more databases. The one or more databases correspond to a list of one or more individuals.	
presenting a user with an interface from which the user makes a selection of a category from a plurality of categories;	Plaintiff contends that Tinder is presented to an individual user through a GUI (graphic user interface) which corresponds to the claimed interface. Plaintiff further contends that under the My Profile section of the GUI, the individual user can make selections of a category from a plurality of categories. The following snippet is taken from a My Profile portion of the GUI and allows the categories of maximum distance and age range to be selected, which corresponds with the plurality of categories.	
	DISCOVERY SETTINGS Maximum Distance 3 mi.	
	Looking for Women >	
	Age Range 38 - 42	
in response to receiving the selection of	Plaintiff contends that the selection of a category	
the category by the user, displaying, for	from the plurality of categories is used by Tinder to	
the user, some of the information	identify participants from the plurality of	
associated with each of multiple	participants which match the selection of the	
participants from the plurality of	category by the user. Plaintiff further contends	

participants which match the selection of the category by the user, while shielding contact information associated with each of the multiple participants;	Tinder displays some information, such as the username, from the information provided by the user to create a profile through the interface to the user. However, not all of the information entered to create a profile is displayed to the user.
	Plaintiff contends the sorting of individuals based on a user's category selections and display of profile information corresponds to this claim element.
wherein displaying some of the information associated with each of the multiple participants is based at least in part on a rating of individual participants in the plurality of participants;	Tinder allows a user to "swipe left" or "swipe right" to indicate a liking of the displayed participant or not interested in the displayed participant. Further, Tinder's algorithm rates participants based on criteria.
	Plaintiff contends the "swipe left" or "swipe right" or "swipe up" corresponds to this claim element.
enabling the user to send an inquiry message to one or more of the multiple participants, while shielding the contact information from the user, the contact information including any messaging identifier that is associated with each of the one or more participants;	If both the user and the displayed participant indicate, by swiping right, a liking of one another, such that there is a match, a GUI is displayed that allows messaging of the other participant of the match. The GUI does not display all information from the profile of participants in the messaging GUI.
	Plaintiff contends this messaging functionality of Tinder corresponds to this claim element.
tracking a response time of each of the one or more participants who received the message from the user; and	Tinder tracks date and time when a match is made, i.e. when both participants "swipe right." The messaging interface displays the date and time of the match. Further, the time for the other participant of the match to respond is displayed.

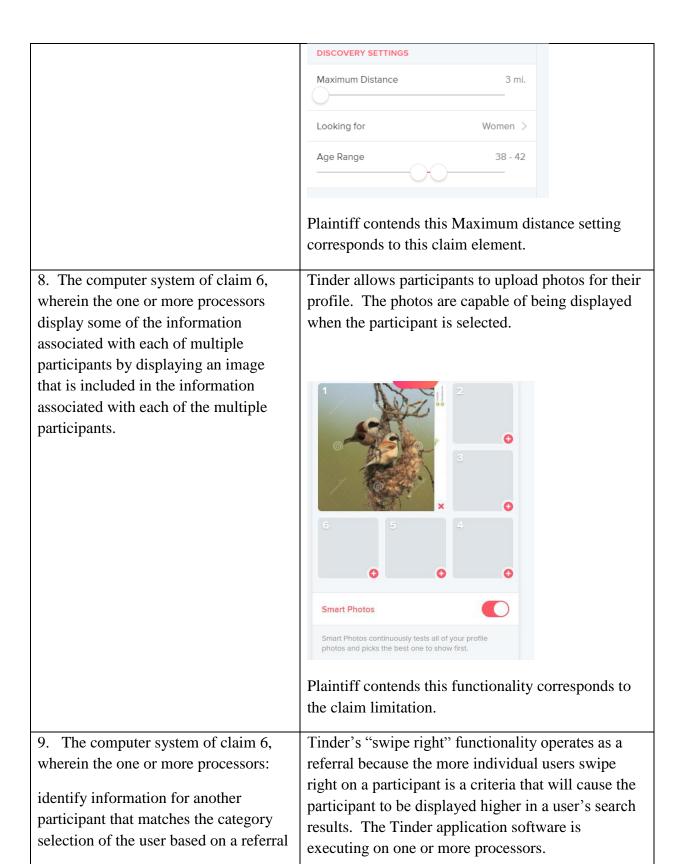
	You matched with Ahon on 3/28/2018
	Heyl. The program states I matches with you 3 minutes ago? Yes, I see the same message. So, I am talking to myself? Sure seems so 3/29/2018 6/28 AM well, let us keep trying Sent
	Plaintiff contends this described functionality corresponds with this claim element.
updating the rating associated with each of the one or more participants based at least in part on the tracked response time.	Tinder's messaging interface has the capability to update based upon most recent messaging. Further, Tinder's algorithm rates participants.
	Plaintiff contends this functionality corresponds with this claim element.
2. The method of claim 1, wherein receiving the selection of the category from the plurality of categories includes receiving input that identifies a geographic location.	Tinder's discovery settings allow a user to select from participants located within a certain distance from the user. DISCOVERY SETTINGS Maximum Distance 3 mi. Looking for Women > Age Range 38 - 42 Plaintiff contends this Maximum distance setting corresponds to this claim element.
3. The method of claim 1, wherein displaying some of the information associated with each of multiple participants includes displaying an image that is included in the	Tinder allows participants to upload photos for their profile. The photos are capable of being displayed when the participant is selected.

information associated with each of the multiple participants.	Smart Photos Smart Photos continuously tests all of your profile photos and picks the best one to show first. Plaintiff contends this functionality corresponds to the claim limitation.
4. The method of claim 1, further comprising: identifying information for another participant that matches the category selection of the user based on a referral provided by one or more users of the network computer system.	Tinder's "swipe right" functionality operates as a referral because the more individual users swipe right on a participant is a criteria that will cause the participant to be displayed higher in a user's search results. Plaintiff contends this functionality corresponds with this claim element.
5. The method of claim 1, wherein displaying some of the information associated with each of the multiple participants includes displaying information associated with individual participants who match the category selection and have a higher rating in favor of information associated with individual participants who match the category selection and have a lower rating.	Tinder's algorithm rates participants based on criteria. The algorithm determines, at least partially, the order of the participants displayed in a user's search. Tinder further includes the functionality of a "Sure-Like" which increases your rating for a match with the other participant receiving the Super-Like. Plaintiff contends both of these functionalities corresponds to this claim element.
6. A computer system comprising:	Tinder is a consumer brand for online dating that

a memory to store a list comprising a plurality of participants, wherein each participant in the plurality of participants corresponds to one or more individuals, wherein the list also includes information associated with at least one of each participant or the one or more individuals that correspond to each participant;	enables users to establish a profile and review the profiles of other users without charge. The profiles are stored in memory of a computer network connected to the Internet and correspond to one or more individuals. The profile includes information such as username, address, age, sex, desired matches, and other information.
	Plaintiff contends this functionality corresponds with the claim element because, at least in part, the plurality of participants are the Tinder users.
one or more processors that execute instructions to: maintain the list;	Tinder is a consumer brand for online dating that enables users to establish a profile and review the profiles of other users without charge. The profiles are stored in memory of a computer network connected to the Internet and correspond to one or more individuals. The profile includes information such as username, address, age, sex, desired matches, and other information. Plaintiff contends this functionality corresponds with the claim element because, at least in part, the plurality of participants are the Tinder users.
present a user with an interface from which the user makes a selection of a category from a plurality of categories;	Plaintiff contends that Tinder is presented to an individual user through a GUI (graphic user interface) which corresponds to the claimed interface. Plaintiff further contends that under the My Profile section of the GUI, the individual user can make selections of a category from a plurality of categories. The following snippet is taken from a My Profile portion of the GUI and allows the categories of maximum distance and age range to be selected, which corresponds with the plurality of categories.

	DISCOVERY SETTINGS
	Maximum Distance 3 mi.
	Looking for Women >
	Age Range 38 - 42
in response to receiving the selection of the category by the user, present, for the user, some of the information associated with each of multiple participants from the plurality of participants which match the selection of the category by the user, while shielding contact information associated with each of the multiple participants;	Plaintiff contends that the selection of a category from the plurality of categories is used by Tinder to identify participants from the plurality of participants which match the selection of the category by the user. Plaintiff further contends Tinder displays some information, such as the username, from the information provided by the user to create a profile through the interface to the user. However, not all of the information entered to create a profile is displayed to the user.
	Plaintiff contends the sorting of individuals based on a user's category selections and display of profile information corresponds to this claim element.
wherein displaying some of the information associated with each of the multiple participants is based at least in part on a rating of individual participants in the plurality of participants;	Tinder allows a user to "swipe left" or "swipe right" to indicate a liking of the displayed participant or not interested in the displayed participant. Further, Tinder's algorithm rates participants based on criteria.
	Plaintiff contends the "swipe left" or "swipe right" or "swipe up" corresponds to this claim element.
enabling the user to send an inquiry message to one or more of the multiple participants, while shielding the contact information from the user, the contact information including any messaging	If both the user and the displayed participant indicate, by swiping right, a liking of one another, such that there is a match, a GUI is displayed that allows messaging of the other participant of the match. The GUI does not display all information

identifier that is associated with each of the one or more participants;	from the profile of participants in the messaging GUI.
	Plaintiff contends this messaging functionality of Tinder corresponds to this claim element.
tracking a response time of each of the one or more participants who received the message from the user; and	Tinder tracks date and time when a match is made, i.e. when both participants "swipe right." The messaging interface displays the date and time of the match. Further, the time for the other participant of the match to respond is displayed.
	You matched with Ahon on 3/28/2018 Hey! The program states I matches with you 3 minutes ago? Yes, I see the same message. So, I am talking to myself? sure seems so 3/29/2018 6.28 AM well, let us keep trying Sent
	Plaintiff contends this described functionality corresponds with this claim element.
updating the rating associated with each of the one or more participants based at least in part on the tracked response time.	Tinder's messaging interface has the capability to update based upon most recent messaging. Further, Tinder's algorithm rates participants.
	Plaintiff contends this functionality corresponds with this claim element.
7. The computer system of claim 6, wherein the one or more processors receive the selection of the category from the plurality of categories by receiving input that identifies a geographic location.	Tinder's discovery settings allow a user to select from participants located within a certain distance from the user.



provided by one or more users of the network computer system.	Plaintiff contends this functionality corresponds with this claim element.
10. The computer system of claim 6, wherein the one or more processors display some of the information associated with each of the multiple participants by displaying information associated with individual participants who match the category selection and have a higher rating in favor of information associated with individual participants who match the category selection and have a lower rating.	Tinder's algorithm rates participants based on criteria. The algorithm determines, at least partially, the order of the participants displayed in a user's search. Tinder further includes the functionality of a "Sure-Like" which increases your rating for a match with the other participant receiving the Super-Like. The Tinder application software is executing on one or more processors. Plaintiff contends these structures correspond to this claim element.
11. The computer system of claim 6, wherein the computer system corresponds to a server, or a combination of servers.	Tinder's online dating software is at least in part offered through computer systems, data centers, and cloud-based web-hosting, i.e. a server or a combination of servers as explained on p. 22 of the ISA 10K for 2017. Plaintiff contends this structure corresponds to the claim element.

- These allegations of infringement are preliminary and are therefore subject to change.
- 11. Match Group has and continues to induce infringement. Match Group has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., online dating services on the Internet] and related services that provide online dating services across the Internet such as to cause infringement of claims 1–11 of the '107 patent, literally or under the doctrine of equivalents. Moreover, Match Group has known of the '107 patent and the technology underlying it from at least the date of issuance of the patent.

12. Match Group has caused and will continue to cause NETSOC damage by direct and indirect infringement of (including inducing infringement of) the claims of the '107 patent.

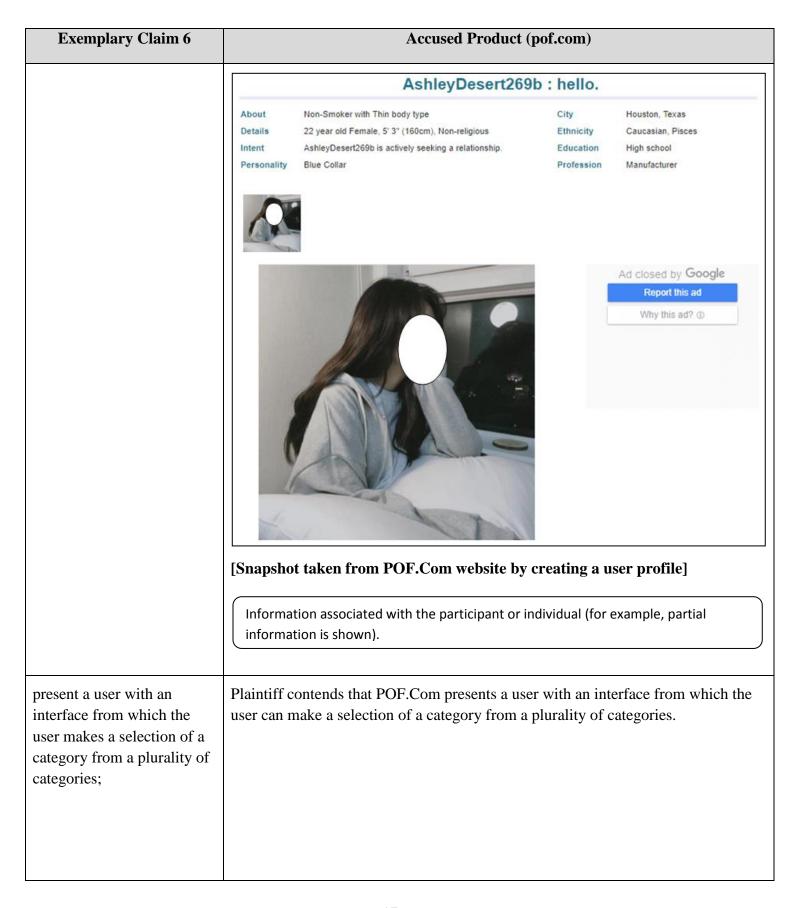
B. Plenty of Fish

- 13. POF owns, maintains, operates, and administers a website at www.pof.com that infringes one or more claims of the '107 patent, including at least claims 1-11, literally or under the doctrine of equivalents. Defendant POF put the inventions claimed by the '107 Patent into service (i.e., used them); but for Defendant POF's actions, the claimed-inventions embodiments involving Defendant POF's products and services would never have been put into service. Defendant POF's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant POF's procurement of monetary and commercial benefit from it.
- 14. Support for the allegations of infringement may be found in the following preliminary table:

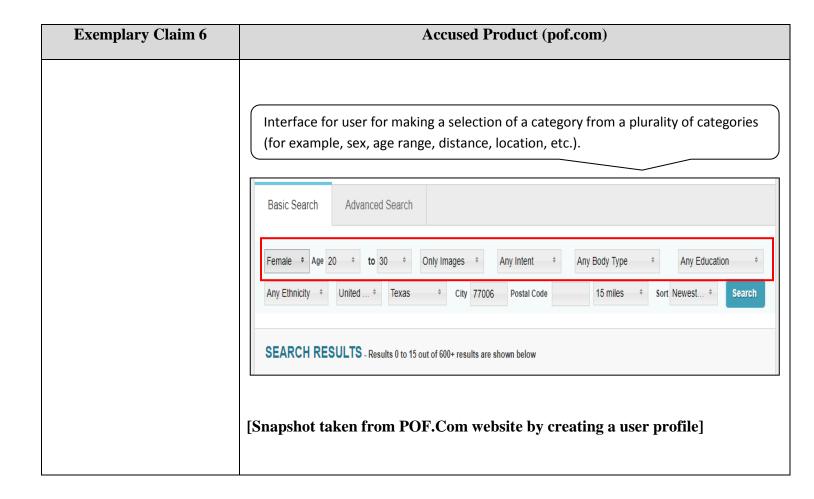
Exemplary Claim 6	Accused Product (pof.com)
6. A computer system comprising:	Plaintiff contends that Plenty of Fish (referred herein as "POF.Com") provides computer system that is, one or more servers to provide its services.

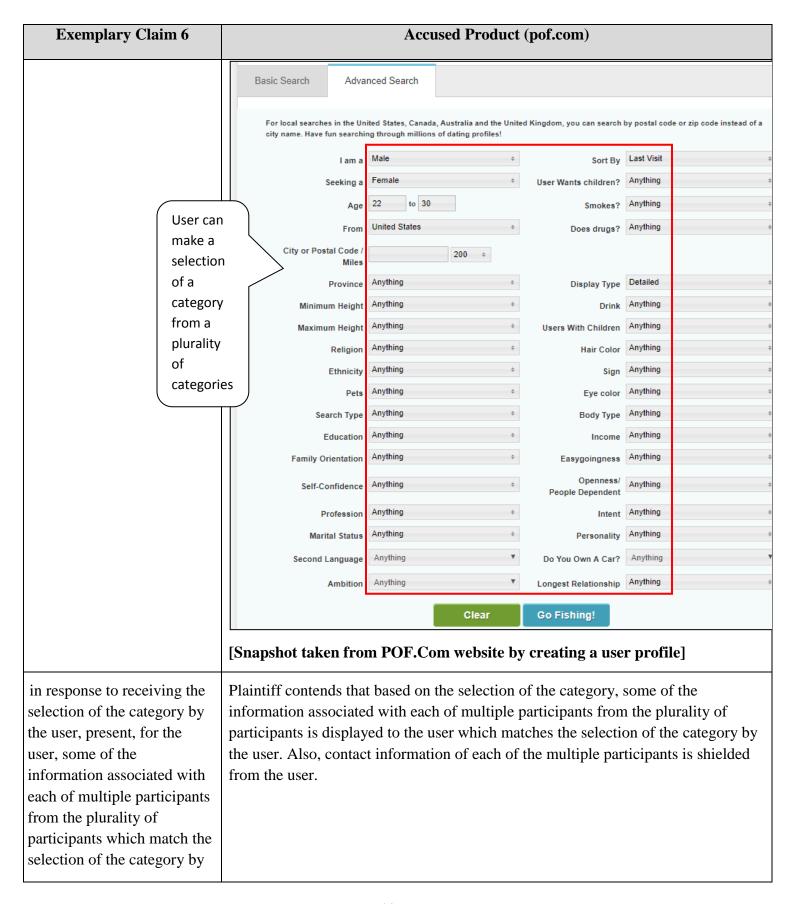
Exemplary Claim 6	Accused Product (pof.com)	
	But as POF's customer base rapidly grew, its antiquated spinning disk storage was increasingly unable to keep pace. The storage had difficulty replicating data between database instances, and its database servers struggled to respond to calls—with the result that users endured slow-loading pages that featured out-of-date, 'stale' data.	
	With the IBM solution in place, POF benefits from the ultra-low latency of flash storage for batch requests. In fact, its main database server can now handle more than 60,000 per second. This means that pages load almost instantly, providing a seamless experience for POF users looking for love. Attachment 1 (Media & Entertainment (2018)) at 2 and 3.	
a memory to store a list comprising a plurality of participants, wherein each participant in the plurality of participants corresponds to one or more individuals, wherein the list also includes information	Plaintiff contends that by using one or more servers (which contain processors and memory), POF.Com stores and maintains data of one or more participants or individuals along with their information. POF.Com stores and maintains data of its customers or participants along with their associated information (like age, sex, location, etc.).	
associated with at least one of each participant or the one or more individuals that correspond to each participant; one or more processors that execute instructions to: maintain the list;	its antiquated spinning disk storage was increasingly unable to keep pace. The storage had difficulty replicating data between database instances, and its database servers struggled to respond to calls—with the result that users endured slow-loading pages that featured out-of-date, 'stale' data. benefits from the ultra-low latency of flash storage for batch requests. In fact, its main database server can now handle more than 60,000 per second. This means that pages load almost instantly, providing a seamless experience for POF users looking for love.	

Exemplary Claim 6	Accused Product (pof.com)
	Plenty of Fish (POF), a Match Group (MTCH) company, is one of the largest global online dating companies, with 150 million registered users and 65,000 new daily users. Available in 11 languages and more than 20 countries, POF has more conversations than any other dating app, with 2.5 million happening every day. Unlike any dating offering today, singles have more quality conversations on POF, which can lead to stronger connections, smarter matches and better dates. For more information, please visit: iac.com/brand/match-group.
	hello. Houston, Texas im from asia. interesed? msg me AshleyDesert269b 22 Actively seeking a relationship High School Online No
	loool Houston, Texas to go a bike ride Sara_xada5644 26 Looking for a relationship High School Online Now
	hello. Houston, Texas im from asia. interesed? msg me SydneyFantastic1a3e 30 Looking for a relationship High School Online Now
	LOVE , CARE AND AFFECTION Houston, Texas Hi there. I've decided to consider this site a virtual sidewalk. Thanks in advance for strolling by know what someone likes to do is nice, learn what they love to do is bet nacocheryl 30 Would like to get married Bachelors degree Online Now
	[Snapshot taken from POF.Com website by creating a user profile]

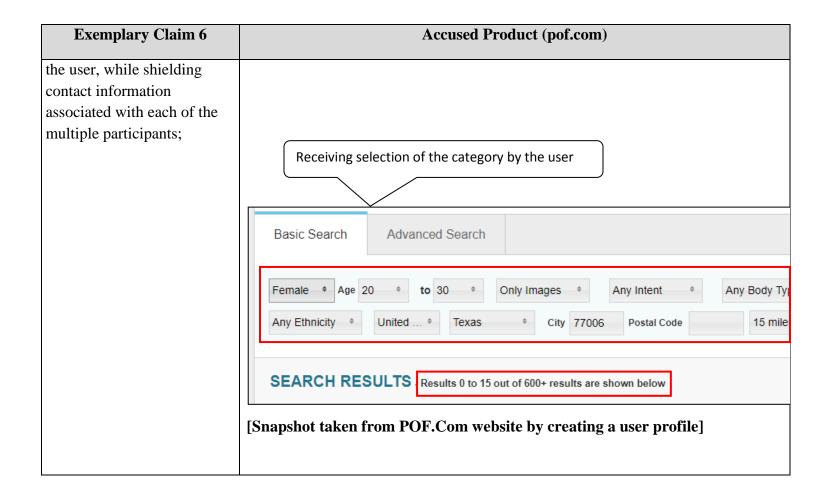


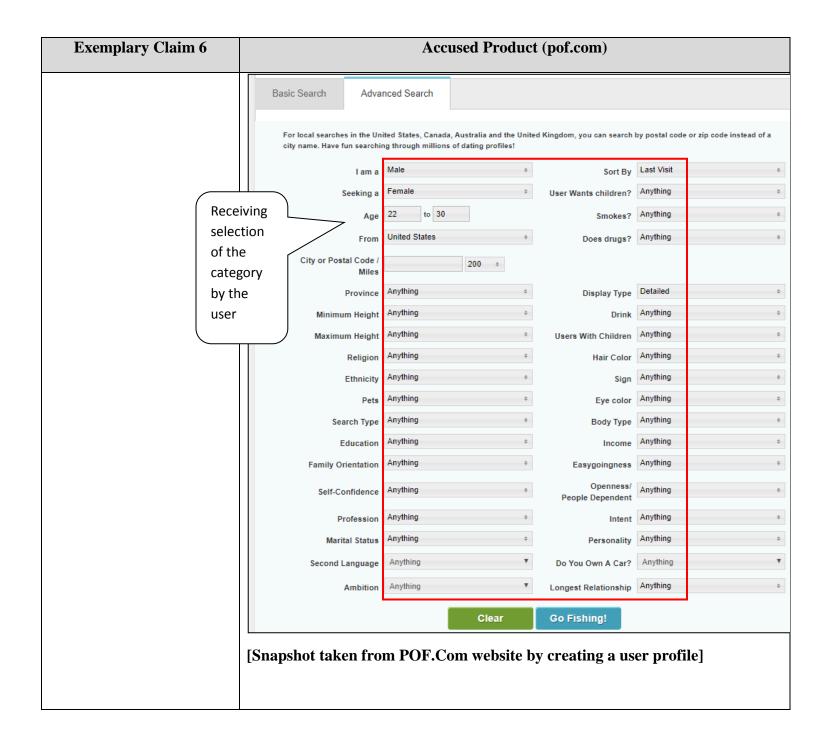
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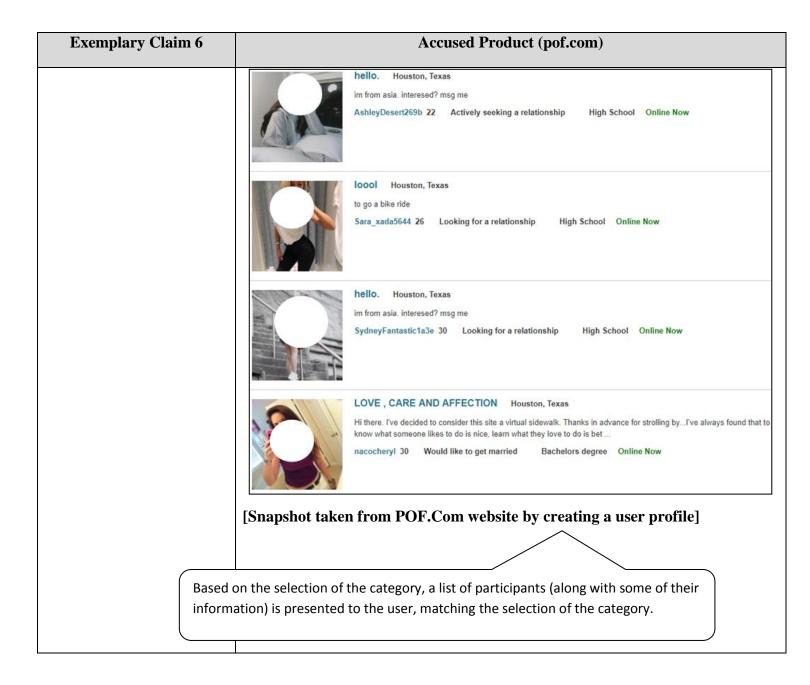


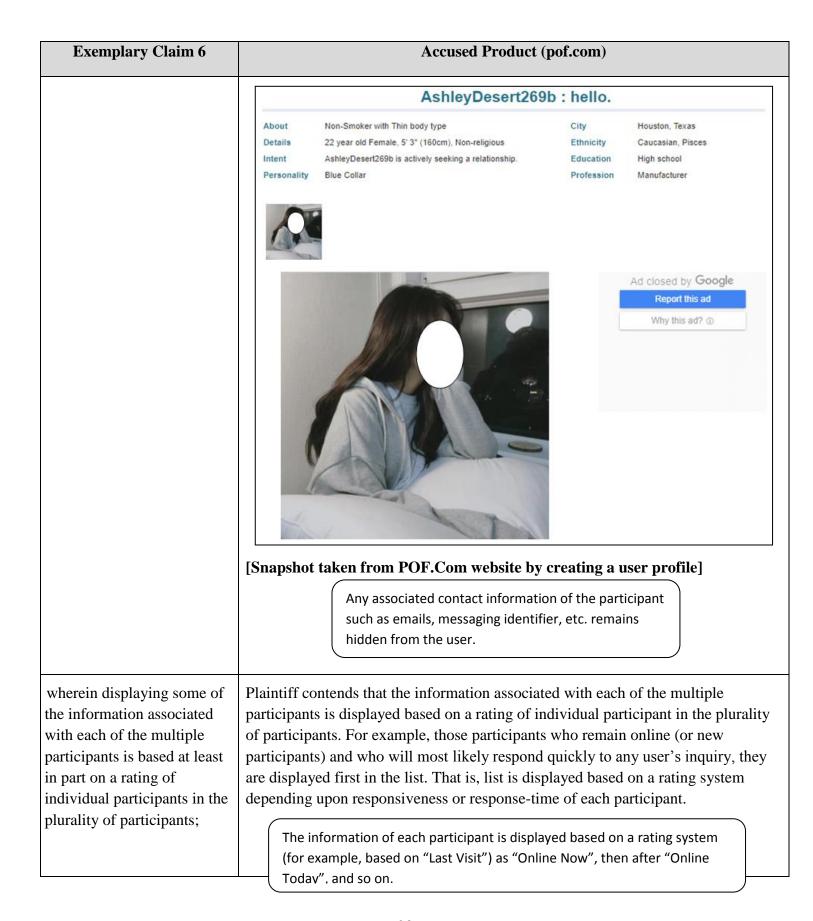
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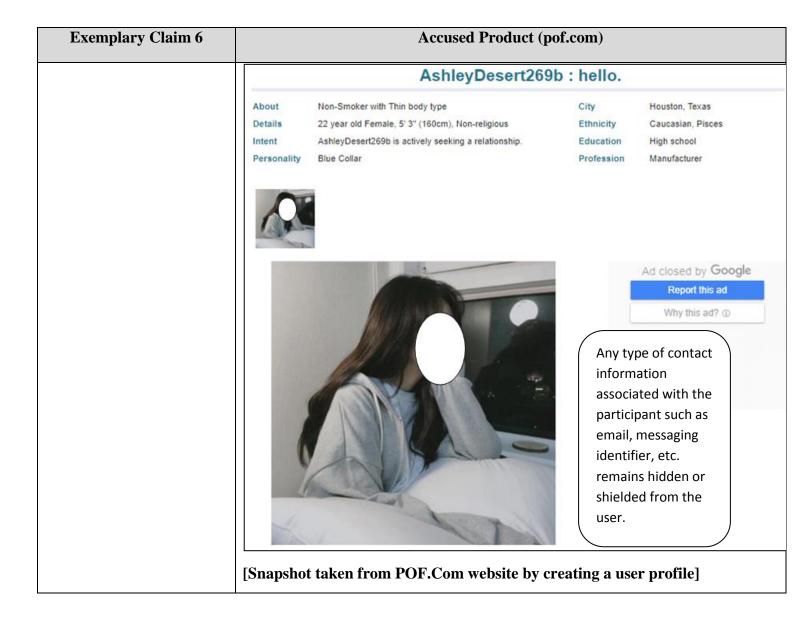


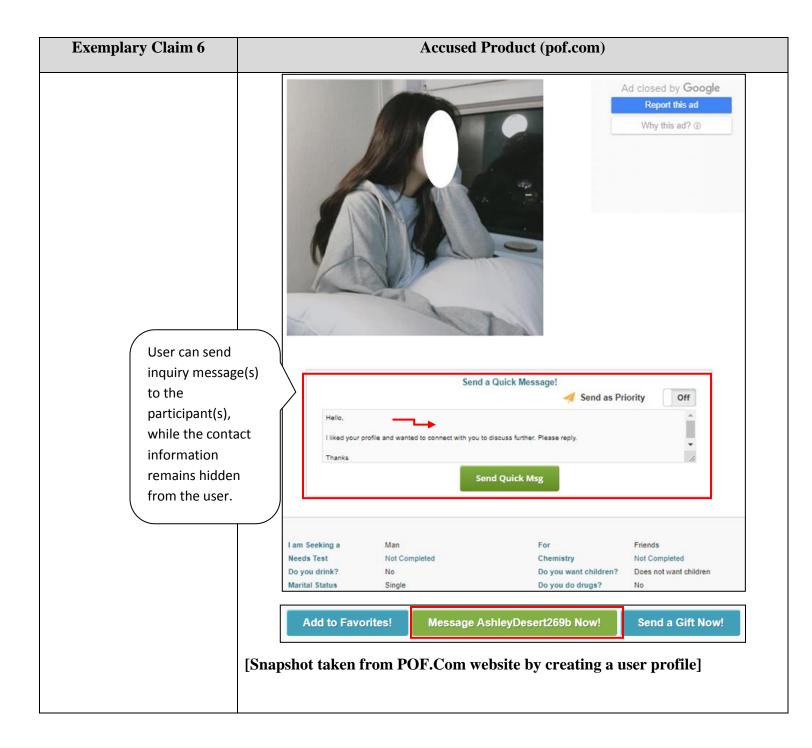
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Exemplary Claim 6	Accused Product (pof.com)
	hello. Houston, Texas im from asia. interesed? msg me AshleyDesert269b 22 Actively seeking a relationship High School Online Now
	locol Houston, Texas to go a bike ride Sara_xada5644 26 Looking for a relationship High School Online Now
	hello. Houston, Texas im from asia. Interesed? msg me SydneyFantastic1a3e 30 Looking for a relationship High School Online Now
	LOVE , CARE AND AFFECTION Houston, Texas Hi there. I've decided to consider this site a virtual sidewalk. Thanks in advance for strolling byI've always found that to know what someone likes to do is nice, learn what they love to do is bet nacocheryl 30 Would like to get married Bachelors degree Online Now

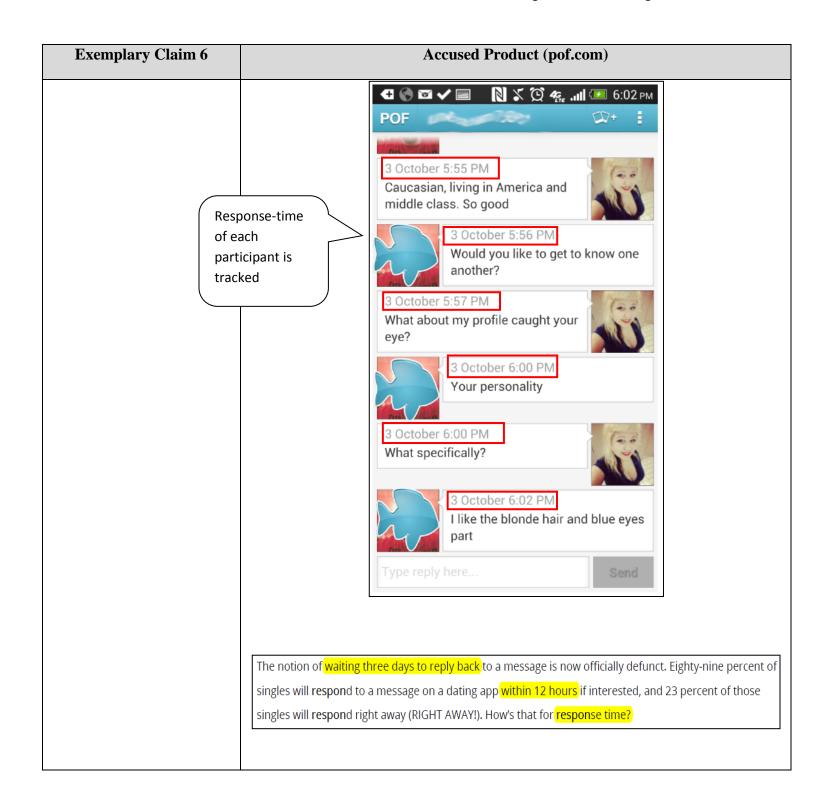
Exemplary Claim 6	Accused Product (pof.com)
	Enjoying life Houston, Texas Enjoying life sz2628 26 Wants to date but nothing serious High School Online Today
	Honesty best policy Stafford, Texas Very laid back.Family oriented.Love all genres of music. Love to go out but can be a homebody as well.Shy No still undecided whether i want some or not at my age. Lov vee875 30 Wants to date but nothing serious Associates degree Online Today
	Let's chat ?? I'm bored Pasadena, Texas I'm really a chill person just looking for some excitement in life. breezy1594 24 Wants to date but nothing serious Some university Online Today
	Just ask Just ask briaasamonee 24 Wants to date but nothing serious High School Online Today
	[Snapshot taken from POF.Com website by creating a user profile]
enabling the user to send an inquiry message to one or more of the multiple participants, while shielding the contact information from the user, the contact information including any messaging identifier that is associated with each of the one or more participants;	Plaintiff contends that user can send enquiry message(s) to one or more participants or candidates, while the contact information associated with each participant (such as emails, messaging identifiers, etc.) remains hidden or shielded from the user.

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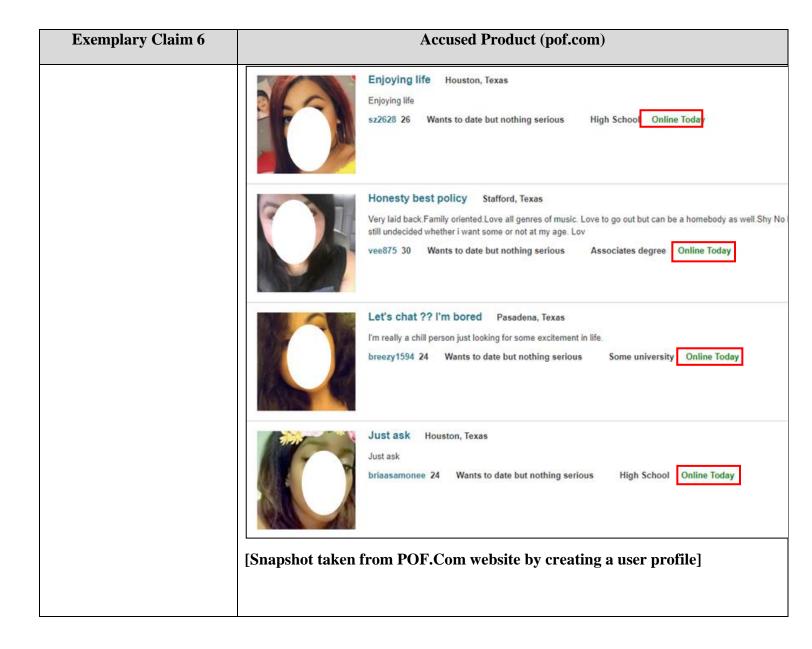
Exemplary Claim 6	Accused Product (pof.com)
	To send a Quick Message: Compose your message in the message box on the user's profile and click Send Quick To send a Message: Scroll to the bottom of their profile and click Message Username Now. With the longer is you have the following options: Send an inbox gift Send a rose For more help with messaging on POF, click here. POF.com provides its own messaging interface so that contact details of the participant(s) such as emails, messaging identifiers, etc. remain hidden from the user.
tracking a response time of each of the one or more participants who received the message from the user; and	Plaintiff contends that response-time of each participant who received the message from the user is tracked. Some participants respond quickly, thus, have quick response-time; while some participants respond slowly, thus, they have slow response-time. And accordingly, each participant's rating within the search results gets updated.

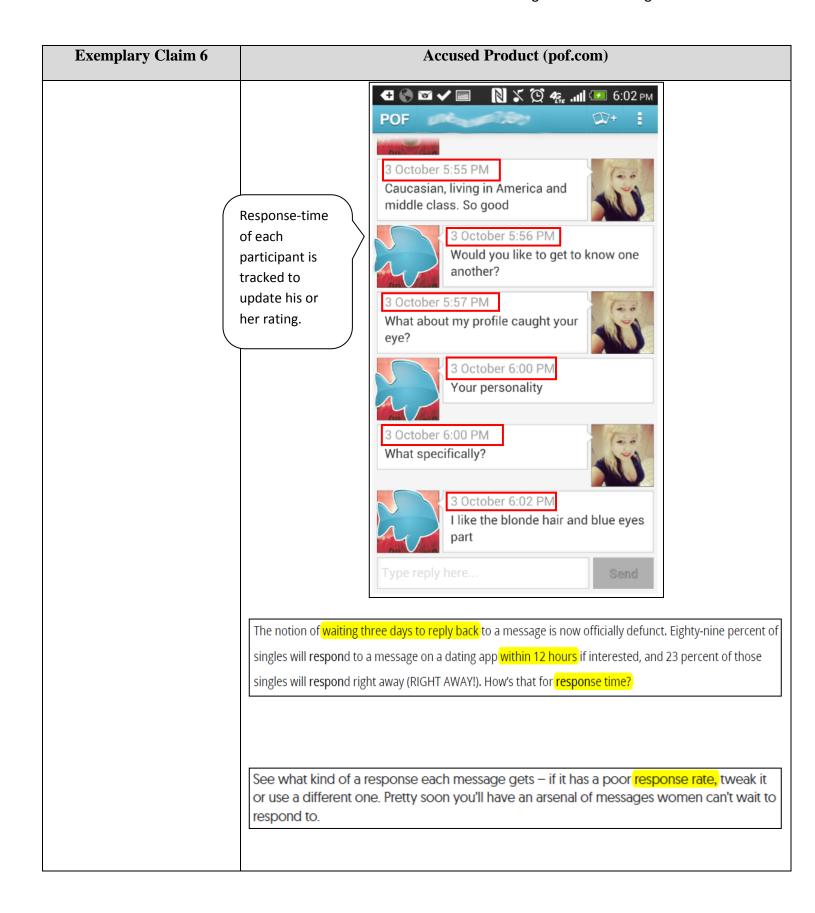


Exemplary Claim 6	Accused Product (pof.com)
	DROP THE THREE DAY RULE: The notion of waiting three days to reply back to a message is now defunct. Eighty-nine percent of singles will respond to a message on a dating app within 12 hours if interested, and 23 percent of those singles will respond right away. When someone replies to a message right away, it shows they're interested, and making themselves available! (not what society has, for so long, deemed as desperate or too eager). In fact, 75 percent of singles say leaving a message on "read" and not replying for days at a time is a much more annoying texting habit than replying too quickly. See what kind of a response each message gets – if it has a poor response rate, tweak it or use a different one. Pretty soon you'll have an arsenal of messages women can't wait to respond to.
	2. Sort Your Matches By Most Recent Login The "Sort By" option allows you to organize your matches by how recently they were active on the site. Only message users who've logged onto the site recently, preferably within the last 24 hours. Don't waste your time reaching out to people who may never get back to you. If you're not a paid member of the site, you can't see the exact date they were last online. But you can still organize it so your matches with the most recent logins appear at the top.
	An easy guideline is to roughly mirror their response time. If they take a day or two to write back to you, take around the same amount of time. But on the other hand, if the woman is messaging you back right away, don't leave them hanging for twenty minutes or an hour. Write back and keep that momentum going.
updating the rating associated with each of the one or more participants based at least in part on the tracked response time.	Plaintiff contends that rating of each participant is updated based on his or her response time (that is, quick response-time, slow response-time, no-response, etc.). Activity (including response-time) of each participant is monitored on the website and accordingly each participant's rating gets updated within the list of search results.

Exemplary Claim 6 Accused Product (pof.com) Each participant is ranked or rated based on his or her online activity as, for example, "Online Now", "Online Today", and so on (that is, based on responsiveness or response-time). Participants who respond to any user inquiry quickly or in short-time (that is, with quick response-time), they are assigned different rating within the list of search results as compared to those participants who do not reply or take too long to respond back (that is, with slow response-time or no response-time). hello. Houston, Texas im from asia. interesed? msg me AshleyDesert269b 22 Actively seeking a relationship Online Now High School loool Houston, Texas to go a bike ride Sara_xada5644 26 Looking for a relationship High School Online Nov hello. Houston, Texas im from asia. interesed? msg me SydneyFantastic1a3e 30 Looking for a relationship High School Online Now LOVE, CARE AND AFFECTION Houston, Texas Hi there. I've decided to consider this site a virtual sidewalk. Thanks in advance for strolling by...I've always found that to know what someone likes to do is nice. learn what they love to do is bet nacocheryl 30 Would like to get married Bachelors degree Online Nov

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Exemplary Claim 6	Accused Product (pof.com)
	2. Sort Your Matches By Most Recent Login
	The "Sort By" option allows you to organize your matches by how recently they were active on the site. Only message users who've logged onto the site recently, preferably within the last 24 hours. Don't waste your time reaching out to people who may never get back to you.
	If you're not a paid member of the site, you can't see the exact date they were last online. But you can still organize it so your matches with the most recent logins appear at the top.

- These allegations of infringement are preliminary and are therefore subject to change.
- 15. POF has and continues to induce infringement. POF has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., online dating services on the Internet] and related services that provide online dating services across the Internet such as to cause infringement of claims 1–11 of the '107 patent, literally or under the doctrine of equivalents. Moreover, POF has known of the '107 patent and the technology underlying it from at least the date of issuance of the patent.

16. POF has caused and will continue to cause NETSOC damage by direct and indirect infringement of (including inducing infringement of) the claims of the '107 patent.

C. OKCupid

17. OKCupid owns, maintains, operates, and administers a website at www.okcupid.com that infringes one or more claims of the '107 patent, including at least claims 1-11, literally or under the doctrine of equivalents. OKCupid put the inventions claimed by the '107 Patent into service (i.e., used them); but for OKCupid's actions, the claimed-inventions embodiments involving OKCupid's products and services would never have been put into service. OKCupid's acts

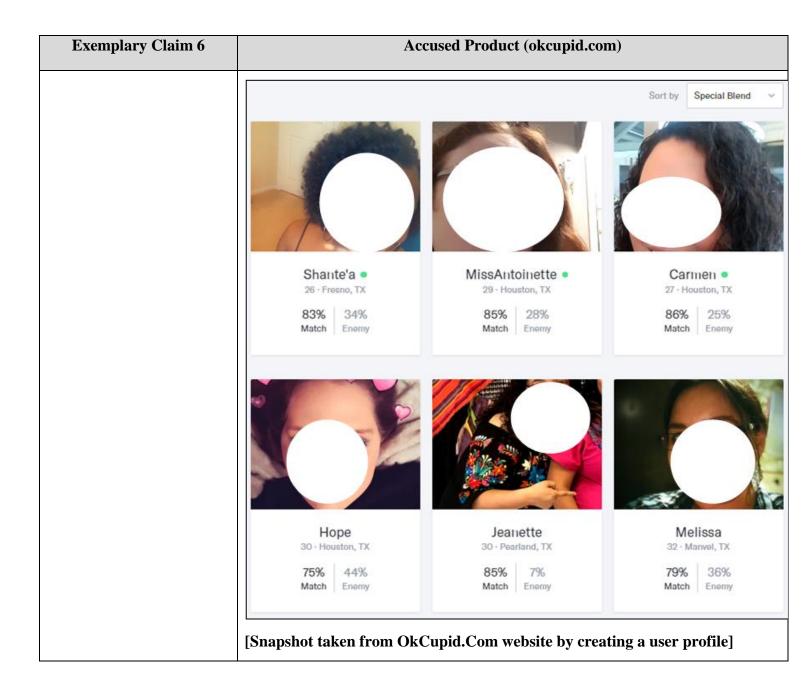
complained of herein caused those claimed-invention embodiments as a whole to perform, and OKCupid's procurement of monetary and commercial benefit from it.

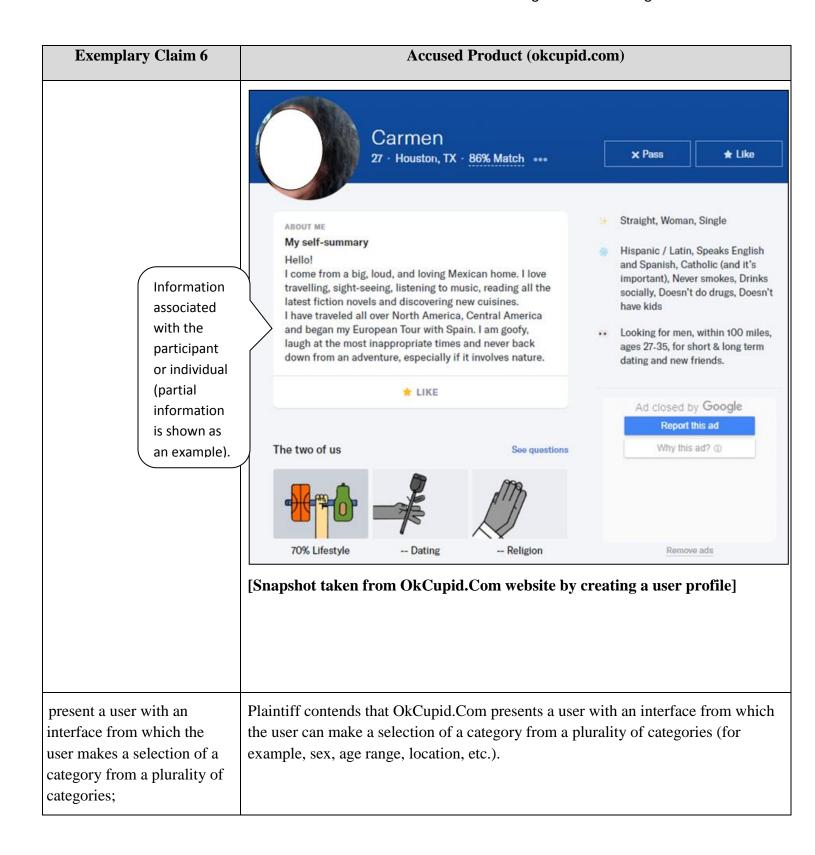
18. Support for the allegations of infringement may be found in the following preliminary table:

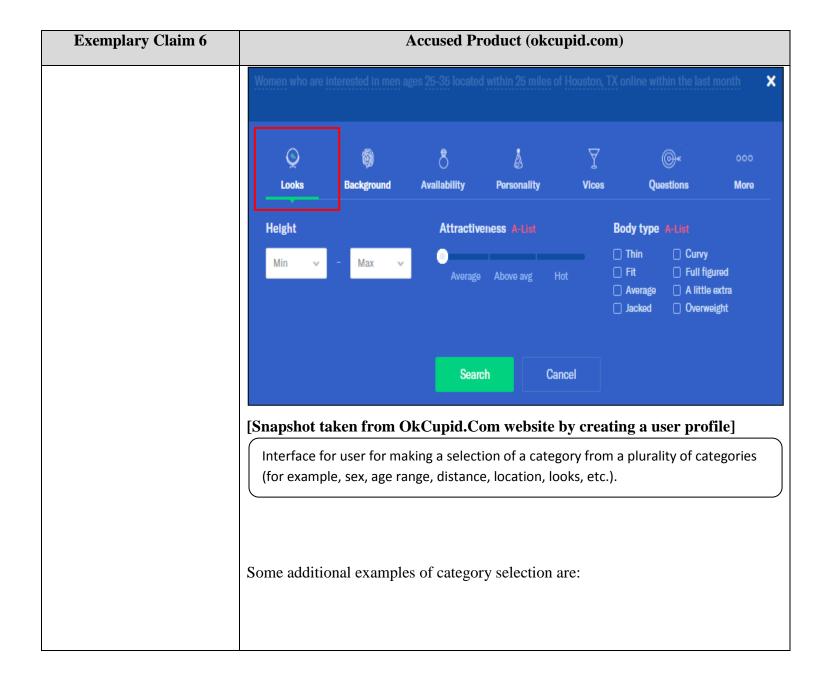
Accused Product (okcupid.com)
Plaintiff contends that OkCupid.Com provides computer system that is, one or more servers or databases to provide its services.
In General. We may collect Personal Information, including Sensitive Data, and other information. "Personal Information" means individually identifiable information that would allow us to determine the actual identity of, and contact, a specific living person. Sensitive Data includes information, comments or content (e.g. photographs, video, profile, lifestyle) that you optionally provide that may reveal your ethnic origin, nationality, religion and/or sexual orientation. By providing Sensitive Data to us, you consent to the collection, use and disclosure of Sensitive Data as permitted by applicable privacy laws. We may also collect your geolocation information with your consent. We may collect this information through a website, mobile application or other online service. When you provide personal information, the information may be sent to servers located in the United States and other countries around the world.
(Privacy OkCupid (Webpage, 2016)) at 1.
We are a growing corporation with users and operations in multiple countries, including the European Union. We have developed data practices designed to assure information is appropriately protected but we cannot always know where personal information may be accessed or processed. While our primary data centers are in the United States, we may transfer personal information or other information to our offices outside of the United States. In addition, we may employ other companies and individuals to perform functions on our behalf. If we disclose personal information to a third party or to our employees outside of the United States, we will seek assurances that any information we may provide to them is safeguarded adequately and in accordance with this Privacy Policy and the requirements of applicable privacy laws.
<i>Id.</i> at 4.
Plaintiff contends that by using one or more servers or data-centers (which contain processors and memory), OkCupid.Com stores and maintains data of one or more participants or individuals along with their information.

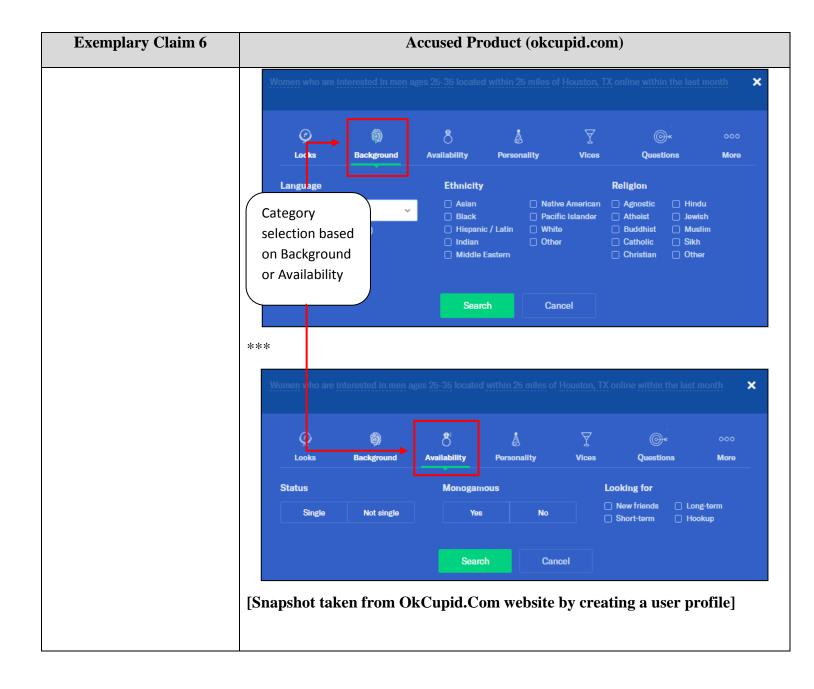
Exemplary Claim 6	Accused Product (okcupid.com)
associated with at least one of each participant or the one or more individuals that correspond to each participant; one or more processors that execute instructions to: maintain the list;	
	OkCupid.com maintains data of its customers along with their associated information (like name, age, sex, location, etc.).
	In General. We may collect Personal Information, including Sensitive Data, and other information. "Personal Information" means individually identifiable information that would allow us to determine the actual identity of, and contact, a specific living person. Sensitive Data includes information, comments or content (e.g. photographs, video, profile, lifestyle) that you optionally provide that may reveal your ethnic origin, nationality, religion and/or sexual orientation. By providing Sensitive Data to us, you consent to the collection, use and disclosure of Sensitive Data as permitted by applicable privacy laws. We may also collect your geolocation information with your consent. We may collect this information through a website, mobile application or other online service. When you provide personal information, the information may be sent to servers located in the United States and other countries around the world.
	(Privacy OkCupid (Webpage, 2016)) at 1. We are a growing corporation with users and operations in multiple countries, including the European Union. We have developed data practices designed to assure information is appropriately protected but we cannot always know where personal information may be accessed or processed. While our primary data centers are in the United States, we may transfer personal information or other information to our offices outside of the United States. In addition, we may employ other companies and individuals to perform functions on our behalf. If we disclose personal information to a third party or to our employees outside of the United States, we will seek assurances that any information we may provide to them is safeguarded adequately and in accordance with this Privacy Policy and the requirements of applicable privacy laws. Id. at 4.

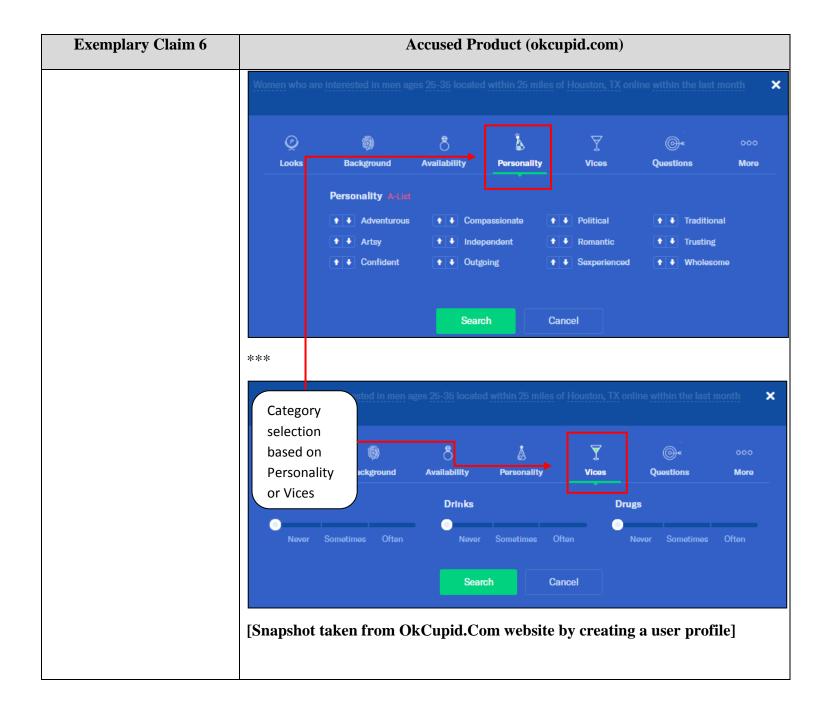
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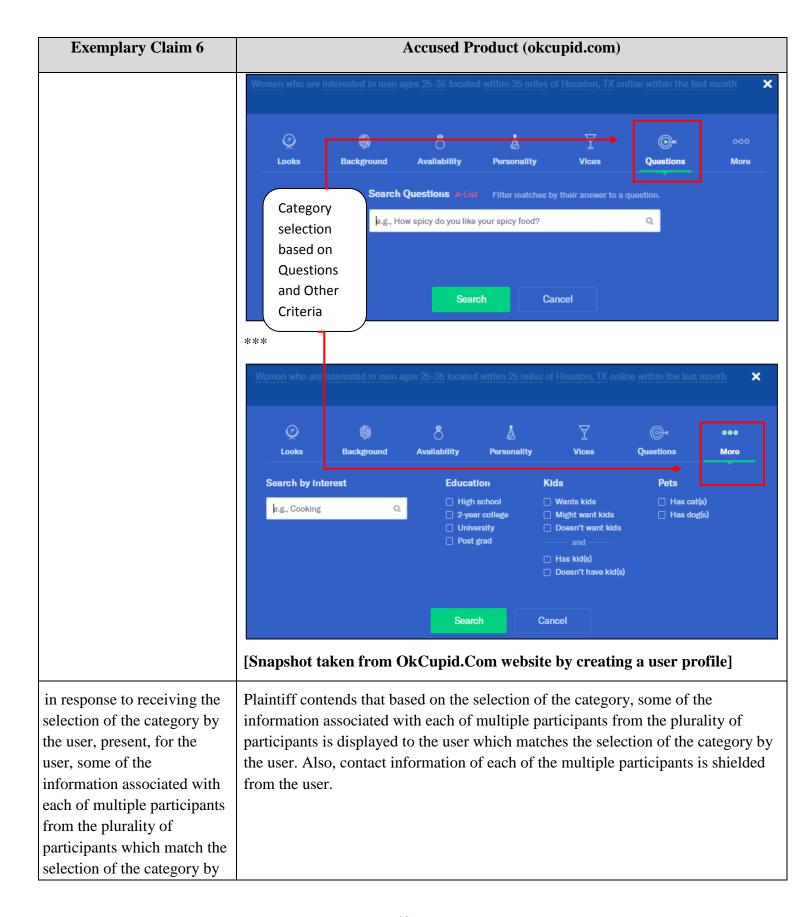


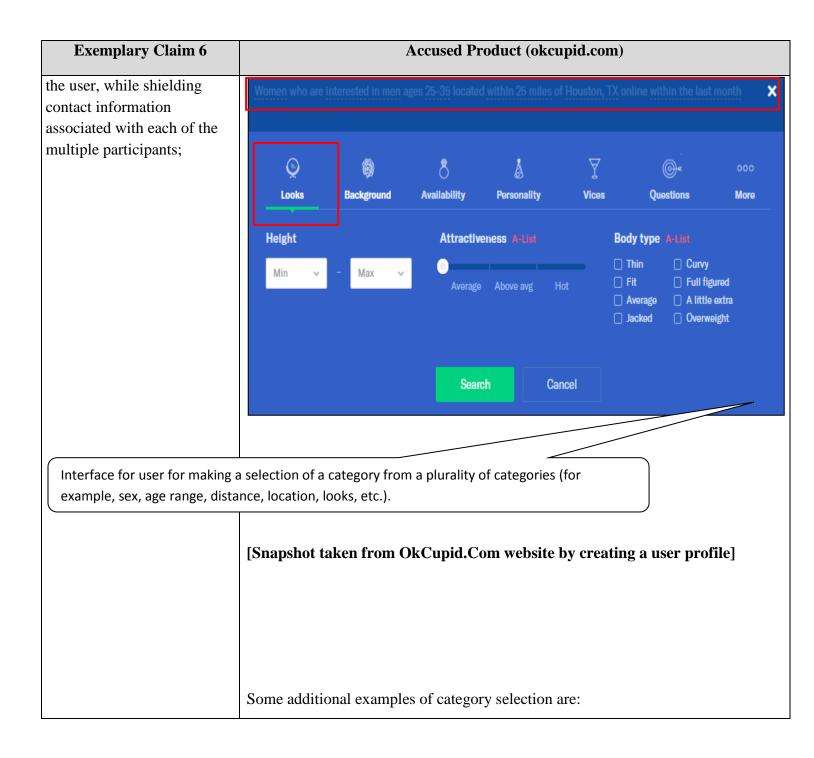


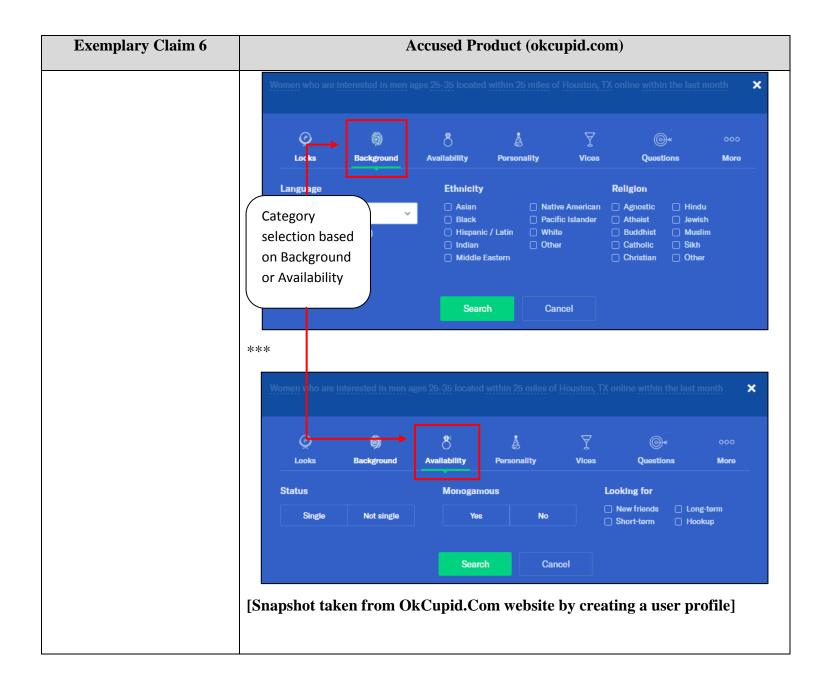


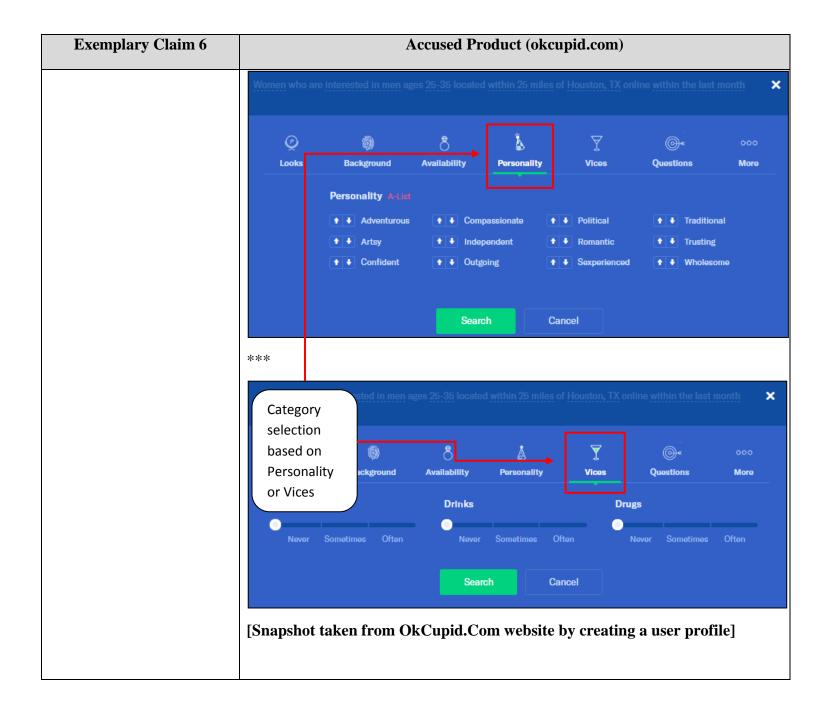


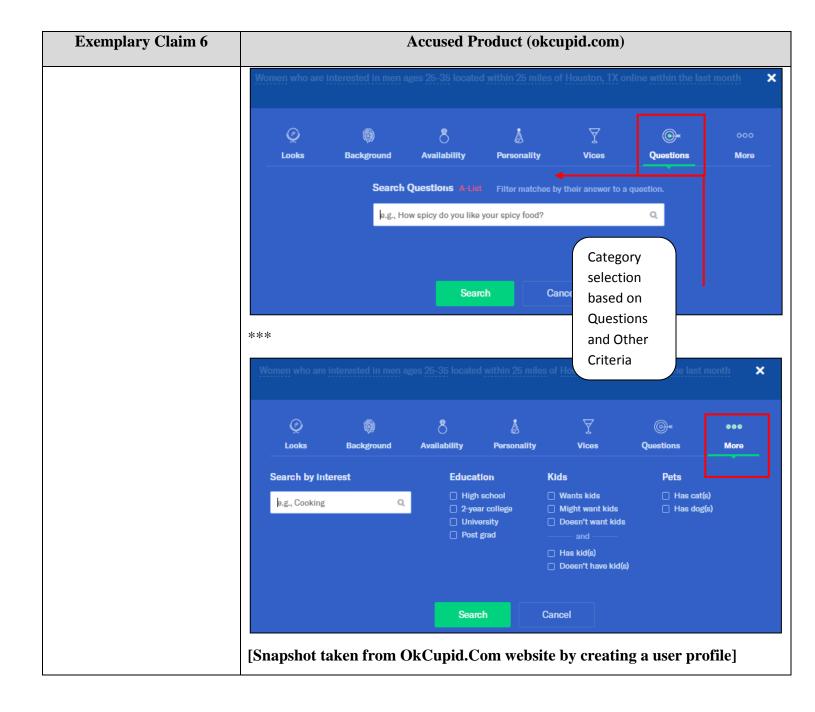


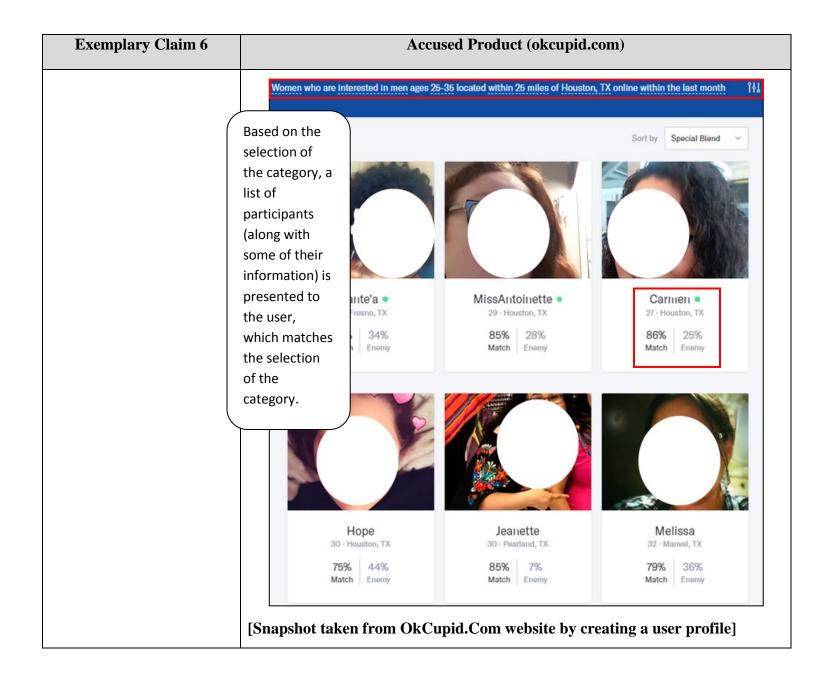


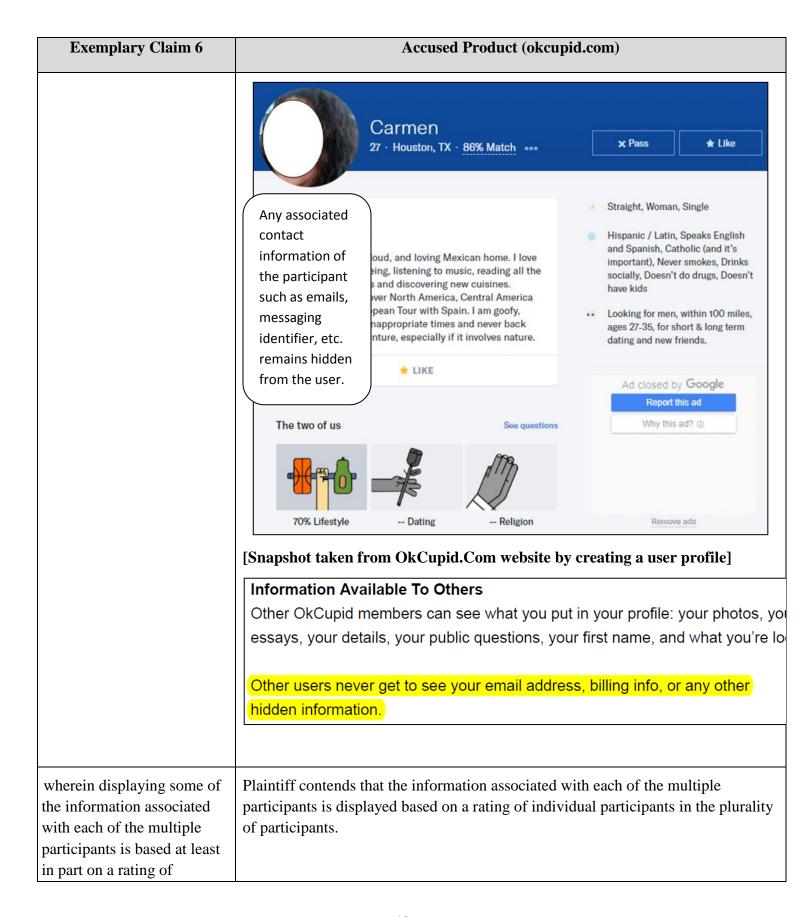


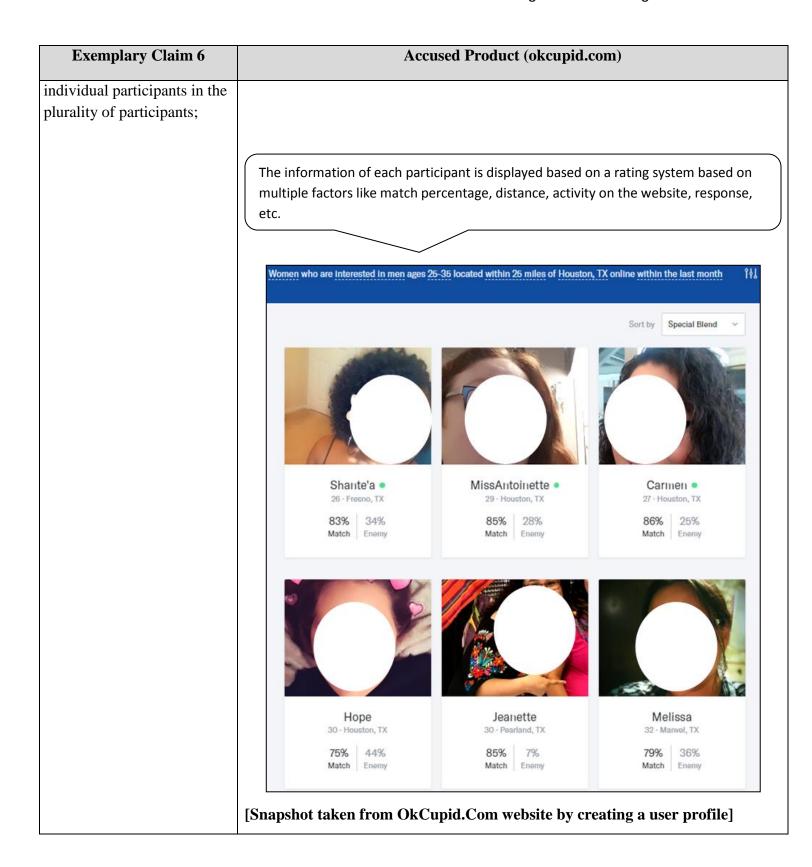


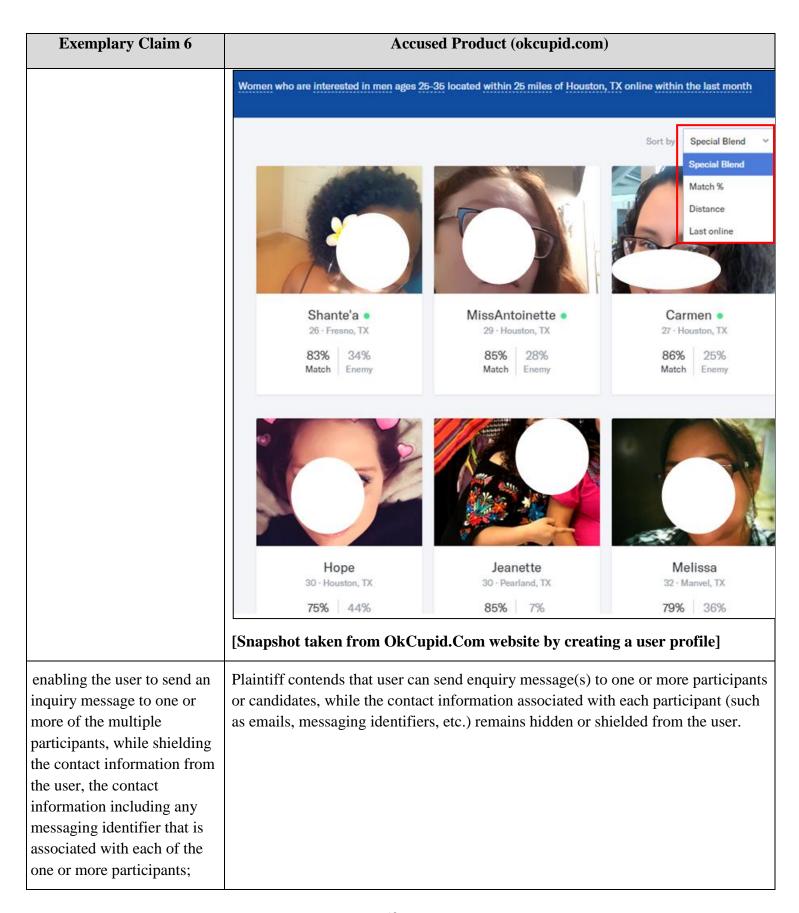


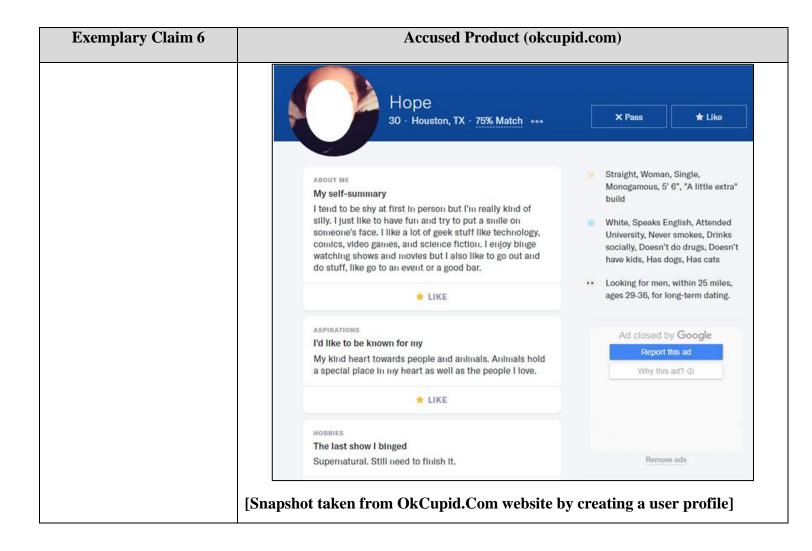


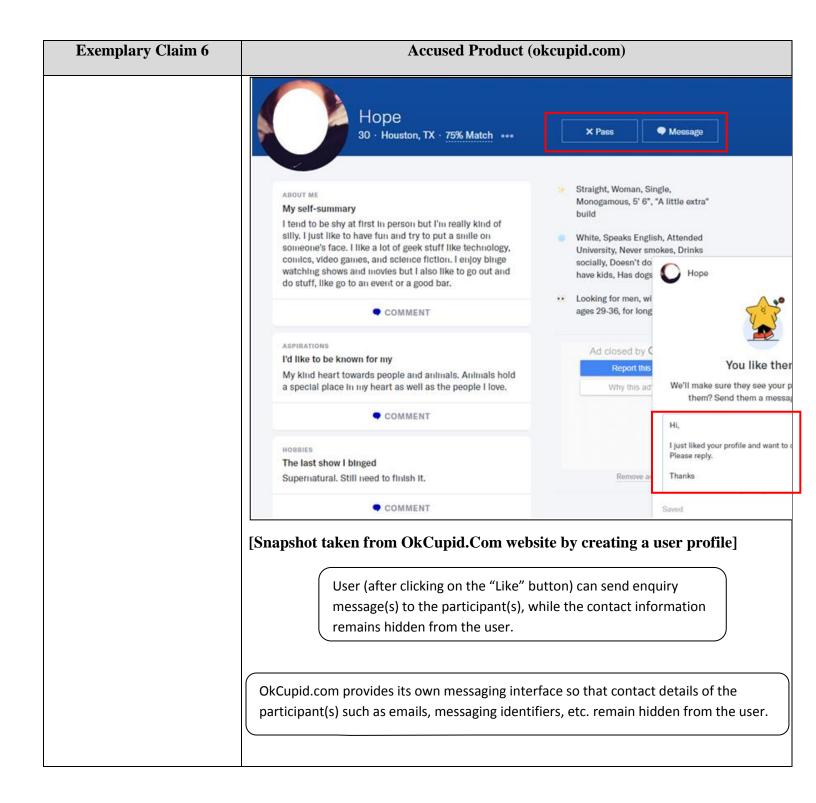




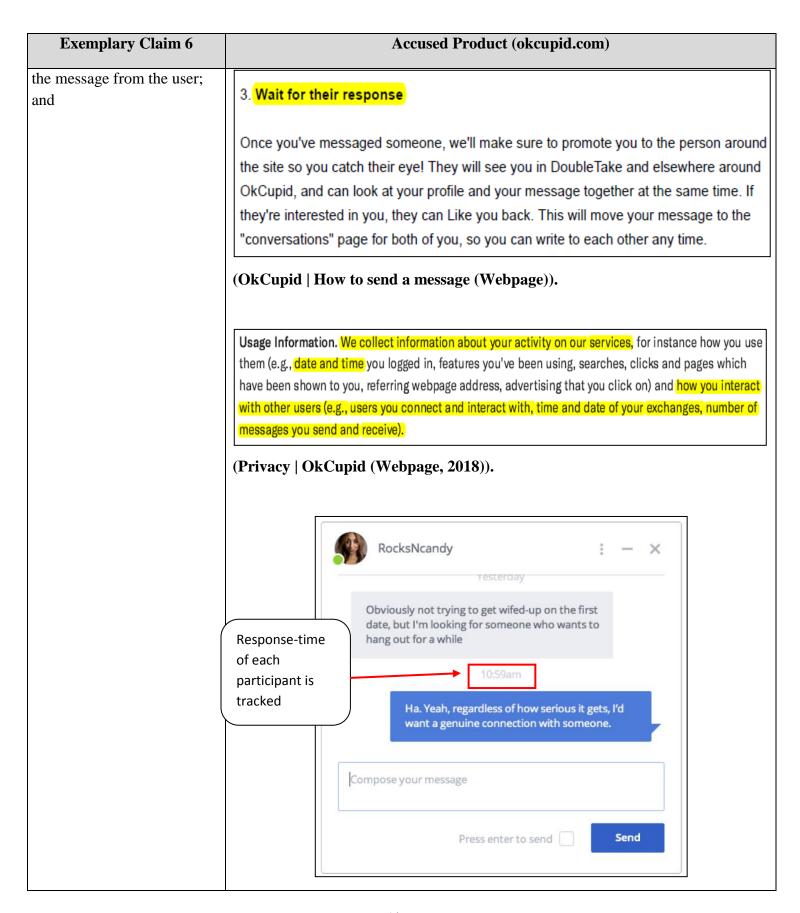


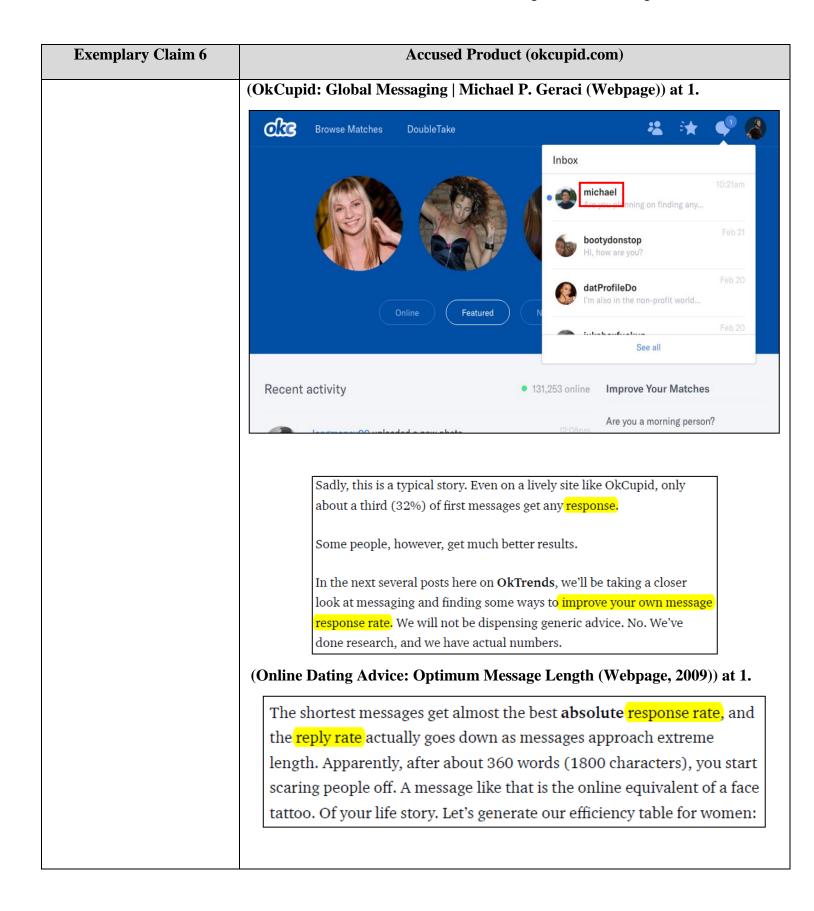




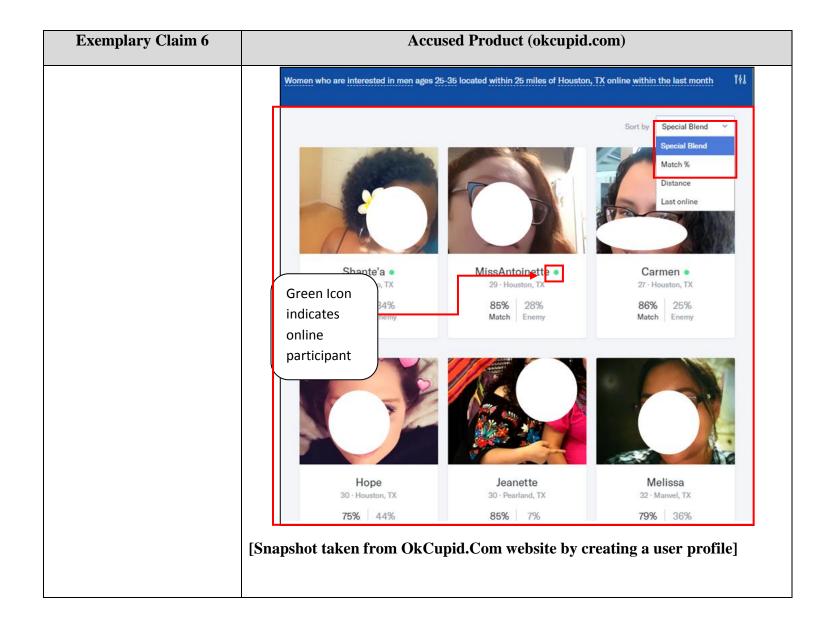


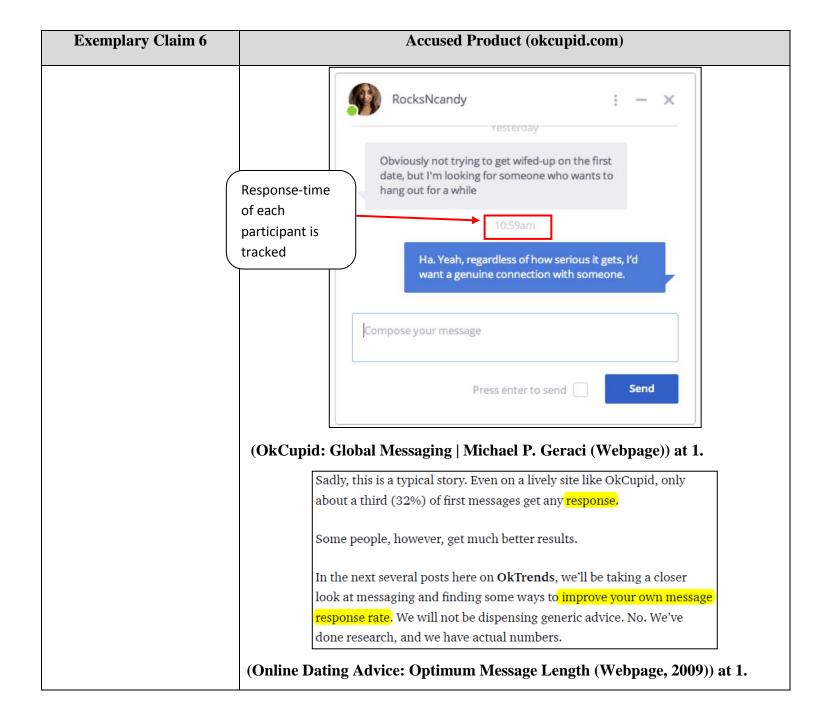
Exemplary Claim 6	Accused Product (okcupid.com)					
	How to send a message					
	On OkCupid, anyone can send and receive messages for free! Messages are sorted by Liking profiles, so you only see messages from people you're interested in.					
	Like them If you Like each other, we'll always let both of you know for FREE right away.					
	From DoubleTake, swipe right or click the star icon.					
	From Match Search/Discovery, visit their profile, and click/tap the Like button to bring up the message button.					
	2. Visit their profile and send a message					
	To find a profile you've liked, visit the Who You Like page (the star icon on the app).					
	Once you've liked someone, you'll see a "message" button on their profile. Click to compose a message and send! Please note: You can only send one initial message, so make it a good one!					
	If the other person hasn't liked you yet, you won't see their profile (or your sent message) until they like you back.					
	(OkCupid How to send a message (Webpage)) at 1.					
	Information Available To Others					
	Other OkCupid members can see what you put in your profile: your photos, your essays, your details, your public questions, your first name, and what you're looking for.					
	Other users never get to see your email address, billing info, or any other hidden information.					
	(OkCupid Privacy Controls (Webpage)) at 2.					
tracking a response time of each of the one or more participants who received	Plaintiff contends that response-time of each participant who received the message from the user is tracked. Different participants have different response-time as quick-response time, slow response-time, no-response, etc. And accordingly, each participant's rating within the search results gets updated.					





Exemplary Claim 6	Accused Product (okcupid.com)
updating the rating associated with each of the one or more participants based at least in part on the tracked response time.	Plaintiff contends that rating of each participant is updated based on his or her response time (that is, quick response-time, slow response-time, no-response, etc.). Rating of each participant is based on multiple parameters like match percentage, distance, online activity on the website (which also includes response-time), etc. Online activity including response-time of each participant is monitored and accordingly each participant's rating gets updated within the search results. That is, the participant who remains active on the website (with quick response time) gets different rating compared to those participants who remain inactive or offline (that is slow or no response-time).
	Usage Information. We collect information about your activity on our services, for instance how you use them (e.g., date and time you logged in, features you've been using, searches, clicks and pages which have been shown to you, referring webpage address, advertising that you click on) and how you interact with other users (e.g., users you connect and interact with, time and date of your exchanges, number of messages you send and receive). (Privacy OkCupid (Webpage, 2018)) at 3.
	In practice, we delete or anonymize your information upon deletion of your account (following the safety retention window) or after two years of continuous inactivity, unless:
response-time. Active partic	including response-time) is tracked and his or her rating gets updated based on the tracked ipants (with quick response-time) who will most likely respond to any user' message, they compared to inactive or less-active participants (with no or slow response-time). That is, key parameters in deciding rating of each participant within the search results.





- These allegations of infringement are preliminary and are therefore subject to change.
- 19. OKCupid has and continues to induce infringement. OKCupid has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., online dating services on the Internet] and related services that provide online dating services across the Internet such as to cause infringement

of claims 1–11 of the '107 patent, literally or under the doctrine of equivalents. Moreover, OKCupid has known of the '107 patent and the technology underlying it from at least the date of issuance of the patent. OKCupid has caused and will continue to cause NETSOC damage by direct and indirect infringement of (including inducing infringement of) the claims of the '107 patent.

D. Match.com

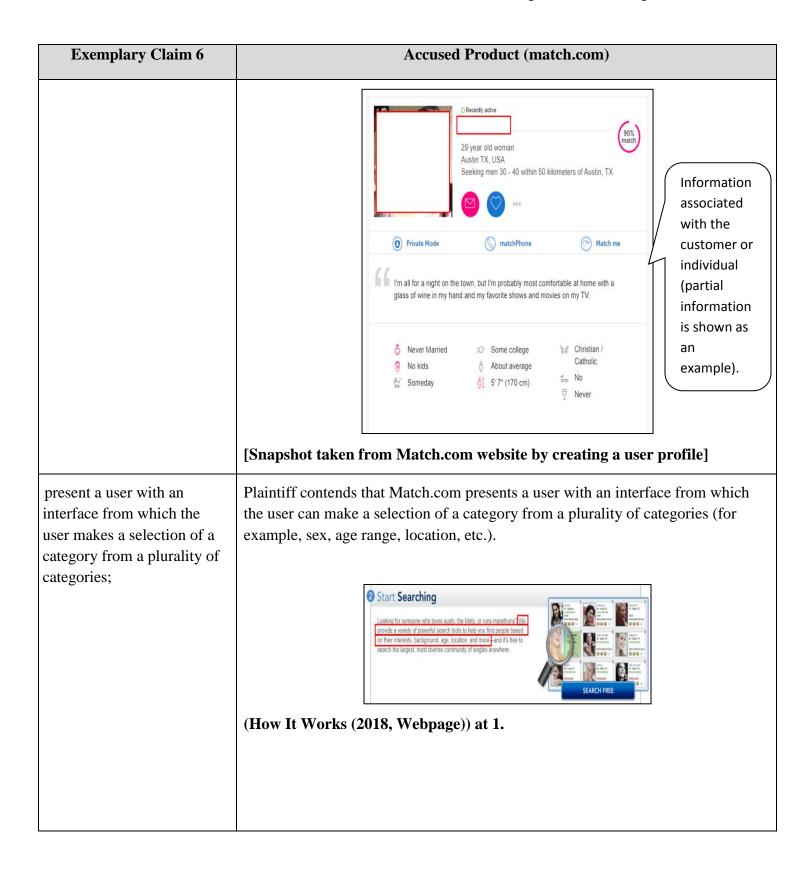
20. Match Group maintains, operates, and administers a website at www.match.com that infringes one or more claims of the '107 patent, including at least claims 1-11, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '107 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

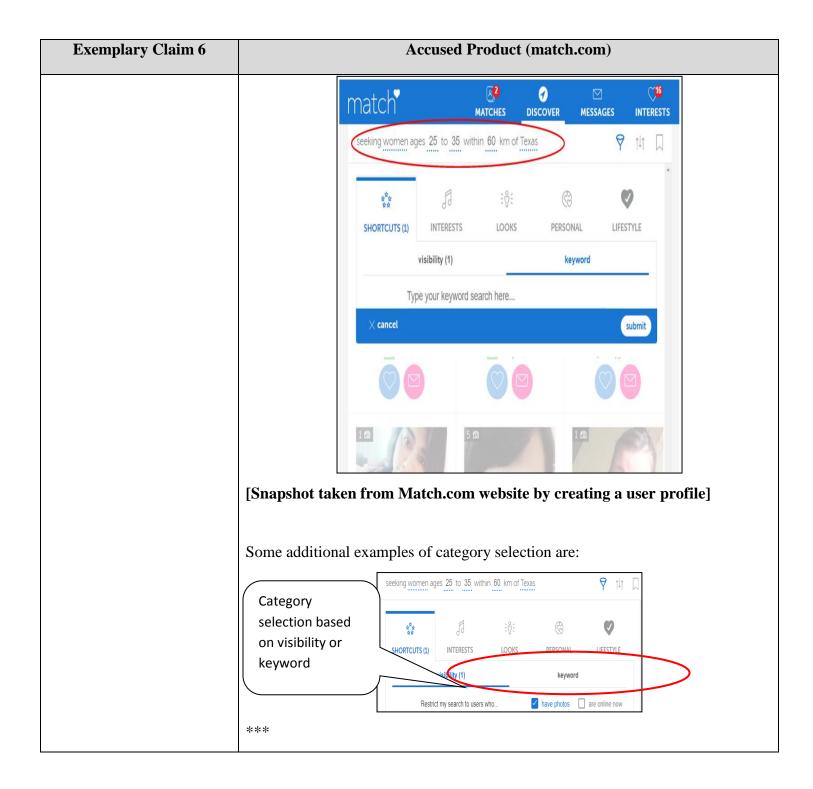
21. Support for the allegations of infringement may be found in the following preliminary table:

Exemplary Claim 6	Accused Product (match.com)					
6. A computer system comprising:	Plaintiff contends that Match.com provides computer system that is, one or more servers or databases to provide its services.					
Match.com provides its own messaging tool or interface so that contact details of the participant(s) such as emails, messaging identifiers, etc. remain hidden from the user.	With a mountain of data in its servers from the 75 million users it has had since it was founded, Match has been able to uncover a series of curious trends. Some findings are obvious. Women are less likely to e-mail with men who live far away, men who are older than they are, and men who are short. Other findings are more nuanced. Catholic women are especially unlikely to e-mail a Hindu or atheist male. While men are most particular about hair colour, a woman's income is less important to them. "We are so focused on behaviour rather than stated preferences because we find people break from their stated preferences so often," Thombre says. (Inside Match.com Financial Times (Webpage, 2011)) at 5.					

Exemplary Claim 6 Accused Product (match.com) Plaintiff contends that by using one or more servers or databases (which contain a memory to store a list comprising a plurality of processors and memory), Match.com stores and maintains data of one or more participants, wherein each participants or individuals along with their information. participant in the plurality Match.com maintains data of its customers along with their associated information of participants corresponds (like name, age, sex, location, etc.). to one or more individuals, wherein the list also includes information Match.com is 20 years old now that has helped create 517000 relationships, 92,000 marriages and 1 associated with at least one million babies. Match.com claims that it has more than 70 terabytes of data about its customers that of each participant or the helps them unlock the mysteries of their heart. According to eHarmony, 542 eHarmony users get one or more individuals that married daily in US. correspond to each participant; (Looking for a perfect match-Why not try big data analysis this time? (2015, Webpage)) at 3. one or more processors that execute instructions to: maintain the list: Big Data at Match.com Match.com has helped create 517000 relationships, 92,000 marriages and 1 million babies. Match.com claims that it has more than 70 terabytes of data about its customers that helps them unlock the mysteries of their heart. Match.com uses advanced big data analytics to find out any discrepancies in what people actually do on the website and what they actually confess. *Id.* at 1.

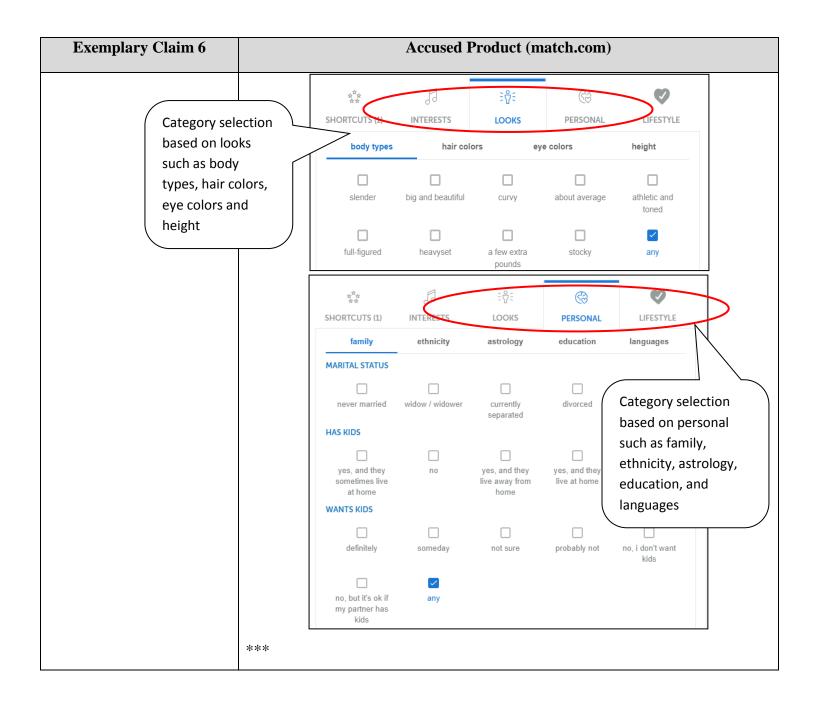
Exemplary Claim 6	Accused Product (match.com)
	With a mountain of data in its servers from the 75 million users it has had since it was founded, Match has been able to uncover a series of curious trends. Some findings are obvious. Women are less likely to e-mail with men who live far away, men who are older than they are, and men who are short. Other findings are more nuanced. Catholic women are especially unlikely to e-mail a Hindu or atheist male. While men are most particular about hair colour, a woman's income is less important to them. "We are so focused on behaviour rather than stated preferences because we find people break from their stated preferences so often," Thombre says.
	(Inside Match.com Financial Times (Webpage, 2011)) at 5. Start Your Profile Start by telling us a little about yourself and who you're looking for. We'll use the information to help you find a great match and to help the right people find you. So go ahead, put yourself out there and get the attention you deserve.
	Looking for someone who loves sushi, the Mets, or runs marathons? We provide a variety of powerful search tools to help you find people based on their interests, background, age, location, and more—and it's free to search the largest, most diverse community of singles anywhere.
	(How It Works (2018, Webpage)) at 1.

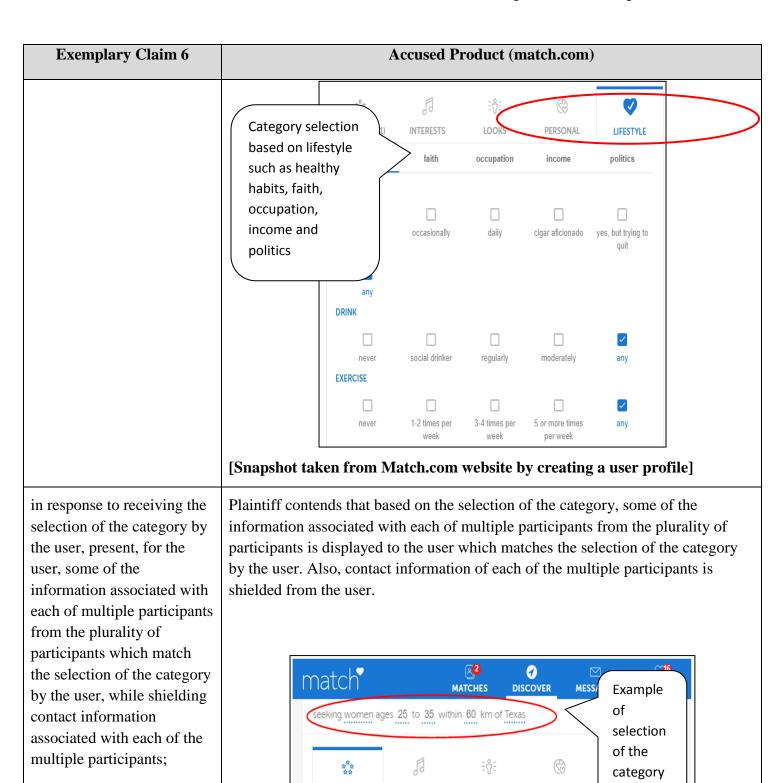




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Exemplary Claim 6	Accused Product (match.com)							
		X H	do do	· 0 ·	@	Ø		
	Category	SHORTCUTS (1)	INTERESTS	LOOKS	PERSONAL	LIFESTYLE		
	on interests like sports, hobbies, and pets	sports		hobbies		pets		
		aerobics	auto racing / motorcross	baseball	basketball	billiards / pool		
(bowling	cycling	football	golf	dancing		
		inline skating	martial arts	running	skiing	soccer		
		swimming	tennis / racquet sports	walking / hiking	weights / machines	yoga		
		other types of exercise	hockey	volleyball	any			





[Snapshot taken from Match.com website by creating a user profile]

LOOKS

PERSONAL

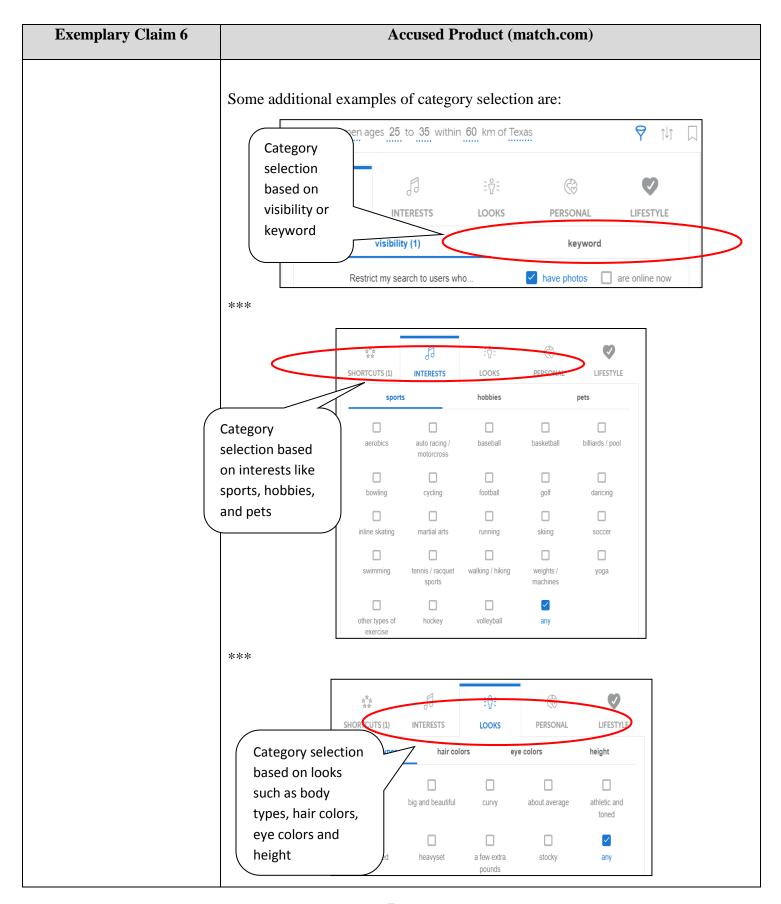
keyword

by the user

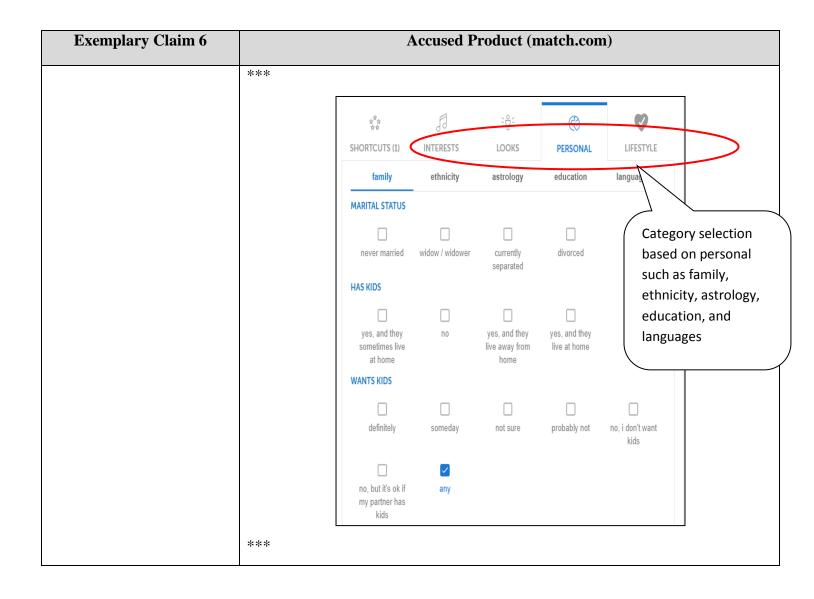
INTERESTS

visibility (1)

SHORTCUTS (1)

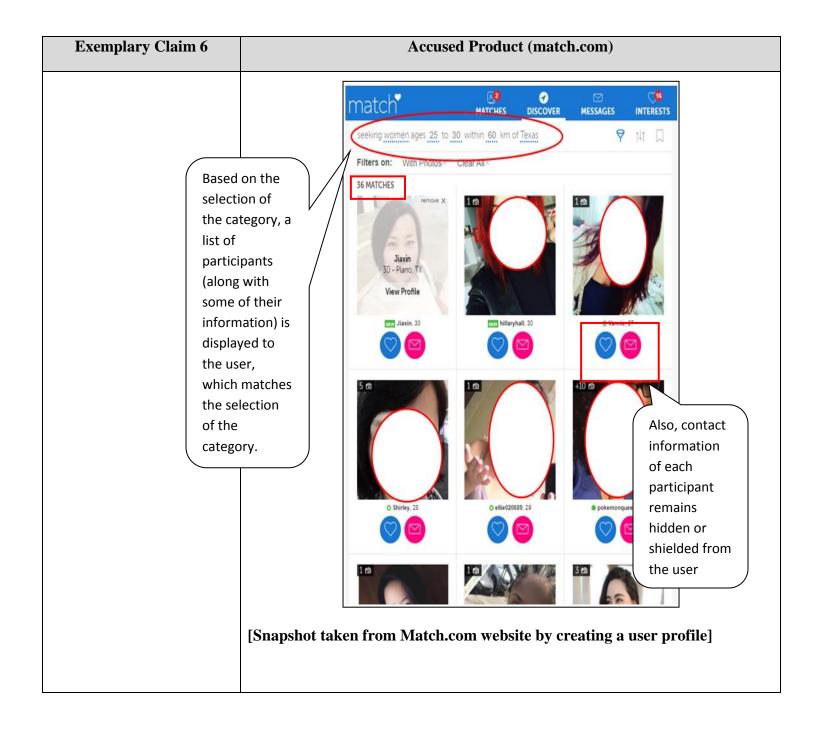


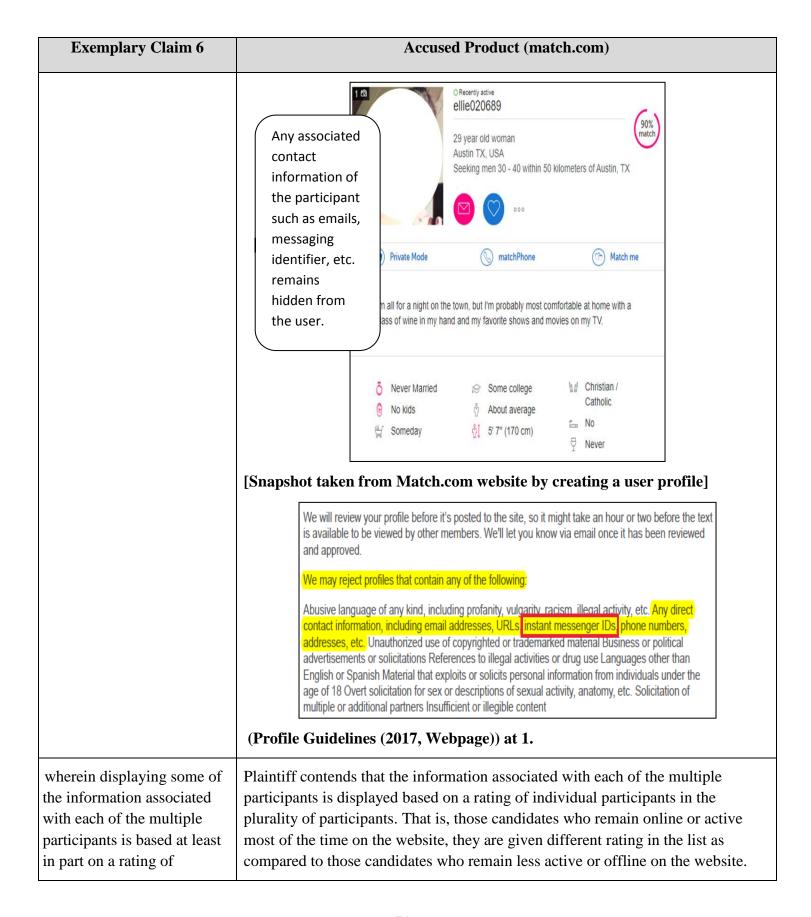
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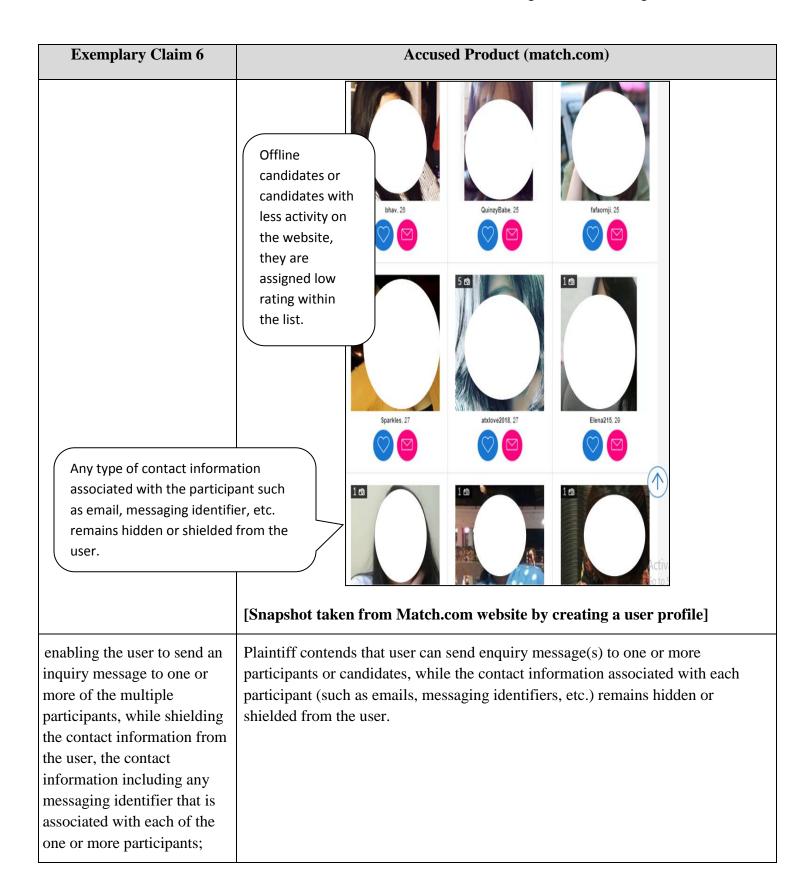
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Exemplary Claim 6	Accused Product (match.com)						
	Category selection based on)TS (1)	INTERESTS	100KS	PERSONAL income	LIFESTYLE politics	
	lifestyle such as healthy habits, faith occupation, income and politics	way	occasionally	daily	cigar aficionado	yes, but trying to quit	
		never EXERCISE	Social drinker	 regularly	 moderately	a ny	
		never	1-2 times per week	3-4 times per week	5 or more times per week	any	
	[Snapshot taken	from M	atch.com	website k	y creating	g a user pro	ofile]

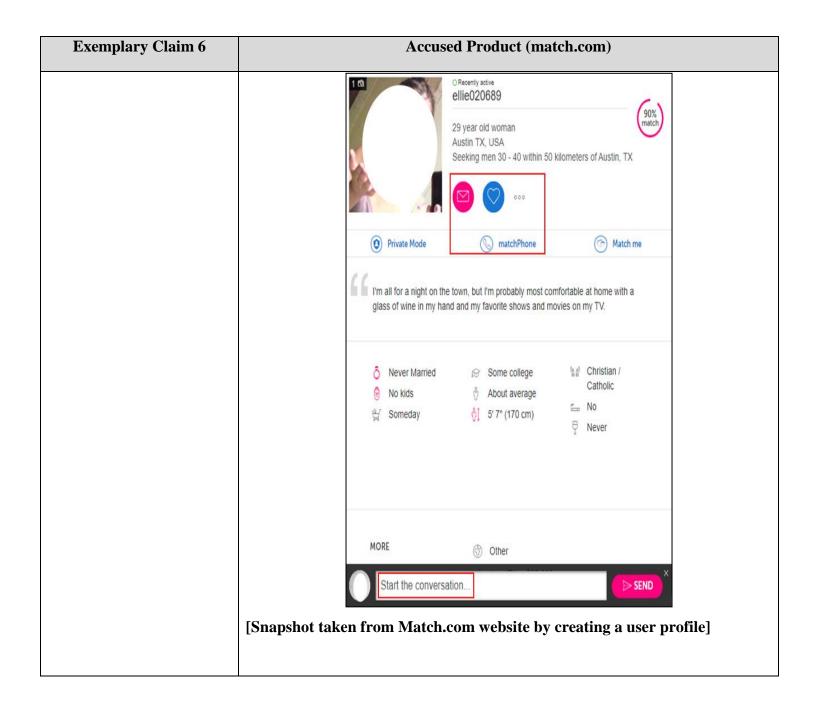


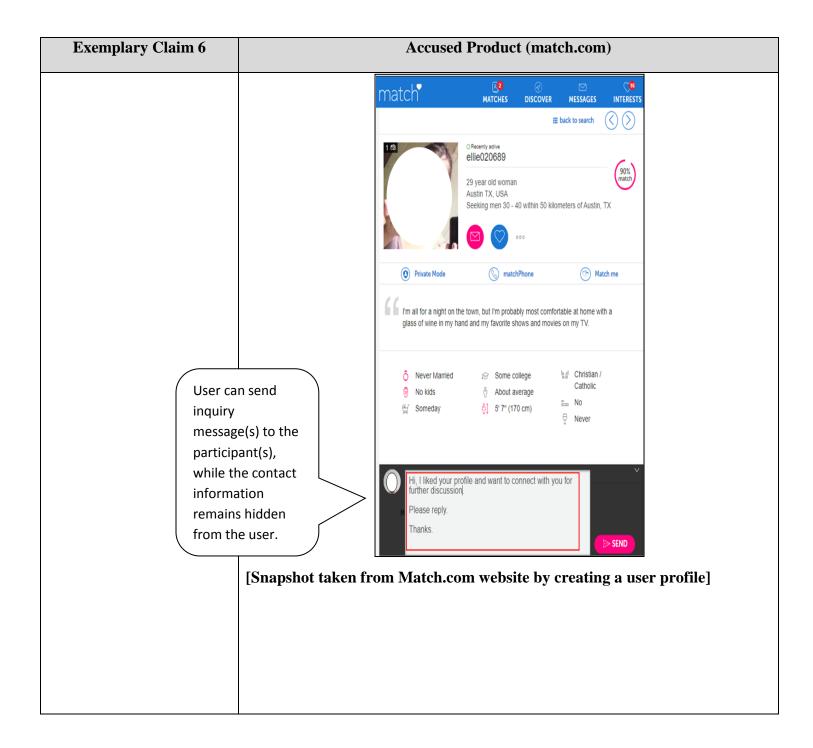


Exemplary Claim 6	Accused Product (match.com)						
individual participants in the							
plurality of participants;							
	match S DISCOVER MESSAGES INTERESTS						
	The information of each participant \						
	is displayed based on a rating						
	system; new or online or active candidates are given higher rating						
	candidates are given higher rating in the list and are therefore						
	displayed first in the list, compared						
	to less active or offline candidates.						
	1 to Online now Jiaxin						
	30 year old woman						
	Plano TX, USA Seeking men 25 - 35						
	50 10 100						
	1 co hillaryhall						
	30 year old woman Houston TX, USA						
	Seeking men 34 - 90						
	0 Solies 23 Goldenouses 33						
	1 60 Peccently active ellie020689						
	29 year old woman Austin TX, USA						
	Seeking men 30 - 40						
	[Snapshot taken from Match.com website by creating a user profile]						



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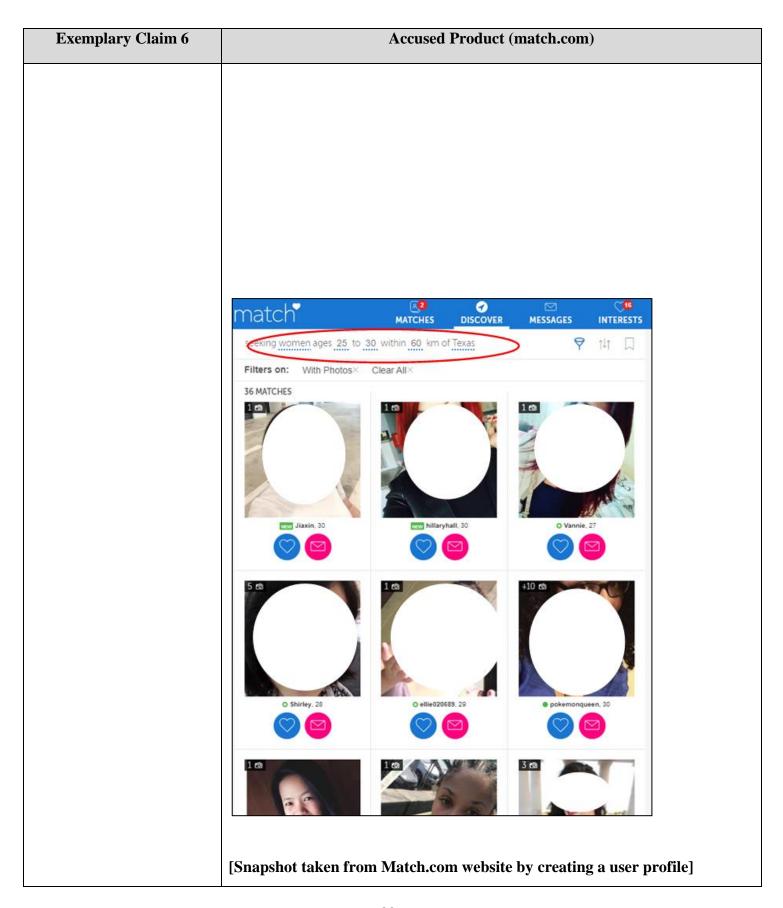


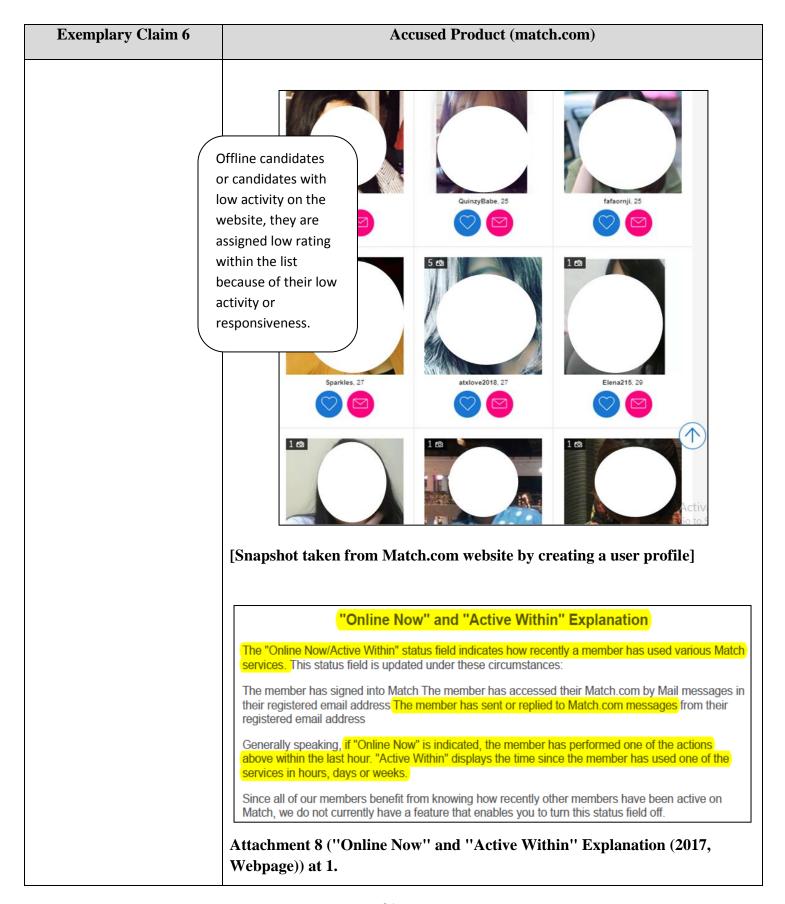
Exemplary Claim 6	Accused Product (match.com)
	We will review your profile before it's posted to the site, so it might take an hour or two before the text is available to be viewed by other members. We'll let you know via email once it has been reviewed and approved. We may reject profiles that contain any of the following: Abusive language of any kind, including profanity, vulgarity racism, illegal activity, etc. Any direct contact information, including email addresses, URLs instant messenger IDs phone numbers, addresses, etc. Unauthorized use of copyrighted or trademarked material Business or political advertisements or solicitations References to illegal activities or drug use Languages other than English or Spanish Material that exploits or solicits personal information from individuals under the age of 18 Overt solicitation for sex or descriptions of sexual activity, anatomy, etc. Solicitation of multiple or additional partners Insufficient or illegible content (Profile Guidelines (2017, Webpage)) at 1.
	Once you have subscribed, you are free to email any of our members. There are several options for composing new emails: You can respond to emails you've already received by clicking on Reply Now while viewing any of your messages. To compose a new email from your inbox, click on Compose Email in the left-side navigation and type in the username of one of your Connections. You can click on Email her/him from any profile page. You can choose a connection from the left-side navigation of your Match inbox to send an email to. If a connection is not visible in your left-side navigation, you can click on See all, then click on the photo of any connection available on your Connections page. (Email-Sending (2017, Webpage)) at 1.
	The match.com site has its own instant messaging tool, so there's no need to give out your personal details. In fact, we encourage all our members to stay within the site to build relationships over time before they share any personal contact information - we've already got all the tools and features you need in one place, so what are you waiting for!? (Getting in touch with your matches (2018, Webpage)) at 2.
tracking a response time of each of the one or more participants who received the message from the user; and	Plaintiff contends that responsiveness or response-time of each participant who received the message from the user is tracked.

Exemplary Claim 6	Accused Product (match.com)
	Email - Sending
	Once you have subscribed, you are free to email any of our members. There are several options for composing new emails:
	You can respond to emails you've already received by clicking on Reply Now while viewing any of your messages. To compose a new email from your inbox, click on Compose Email in the left-side navigation and type in the username of one of your Connections. You can click on Email her/him from any profile page. You can choose a connection from the left-side navigation of your Match inbox to send an email to. If a connection is not visible in your left-side navigation, you can click on See all, then click on the photo of any connection available on your Connections page.
	(Email-Sending (2017, Webpage)) at 1.
	Response Time With phone calls among those courting and getting to know each other, there is an unwritten etiquette that says that phone messages should not be returned too soon, lest the person returning the call seem too desperate. But because everyone usually has their cell phone with them and because the norm has become to respond to texts immediately, the response time on received texts is much shorter. Waiting for two days to respond to a girl's flirty text is far too long; if you are interested and want to be flirty in return, you should respond within one day; Note: If you receive a voicemail you should NOT respond with a text. Responding to voicemails with texts will send the message that you are not that interested. (Text Flirting Tips for Guys (2017, Webpage)) at 3.
	Do: Mind your manners Email etiquette can be far more obvious to women than you might think. Checking your message for punctuation or spelling errors is worth the time; your goal is to position yourself as a catch. Ask initial questions that aren't overly personal, (allow enough) response time (many don't check email on weekends) and respond to questions thoughtfully.
	(Match - Find Singles with Match's Online Dating Personals Service (2011, Webpage)) at 1.

Exemplary Claim 6	Accused Product (match.com)
	"Online Now" and "Active Within" Explanation
	The "Online Now/Active Within" status field indicates how recently a member has used various Match services. This status field is updated under these circumstances:
	The member has signed into Match The member has accessed their Match.com by Mail messages in their registered email address The member has sent or replied to Match.com messages from their registered email address
	Generally speaking, if "Online Now" is indicated, the member has performed one of the actions above within the last hour. "Active Within" displays the time since the member has used one of the services in hours, days or weeks.
	Since all of our members benefit from knowing how recently other members have been active on Match, we do not currently have a feature that enables you to turn this status field off.
	("Online Now" and "Active Within" Explanation (2017, Webpage)) at 1.
New, online or active candidates who most likely respond to any user's query quickly or within a short time (that is, highly responsive candidates) are assigned different ratings compared to those candidates who remain less active or remain offline most of the time.	If there's anything more stressful than waiting for your Crush to reply to a text, we haven't discovered it. Time seems to stop when you press "Send" and minutes turn into years. Should you panic when 24 hours have passed without a reply? No. Should you send a follow-up text? HECK NO. Your Crush is probably just busy. What you should do now is: get even busier. Call friends, call your parents, go to the gym, the library, or just lock your phone in your car for a while. Distract (The top 5 Most Cryptic Texts, Decrypted (2018, Webpage)) at 1.
updating the rating associated with each of the one or more participants	

Exemplary Claim 6	Accused Product (match.com)
Exemplary Claim 6 based at least in part on the tracked response time.	Plaintiff contends that the rating of each participant is updated based on his or her responsiveness or response time. That is, those candidates who remain but ine or active most of the time on the website are given higher rating in the list because it is highly likely that they will respond quickly to any user's query and are, therefore, displayed first in the list compared to those candidates who remain less active or offline or inactive on the website. That is, response-time is one of the key parameters in updating the rating of each participant. Accused Product (match.com) Plant P





Exemplary Claim 6	Accused Product (match.com)
	Response Time With phone calls among those courting and getting to know each other, there is an unwritten etiquette that says that phone messages should not be returned too soon, lest the person returning the call seem too desperate. But because everyone usually has their cell phone with them and because the norm has become to respond to texts immediately, the response time on received texts is much shorter. Waiting for two days to respond to a girl's flirty text is far too long; if you are interested and want to be flirty in return, you should respond within one day. Note: If you receive a voicemail you should NOT respond with a text. Responding to voicemails with texts will send the message that you are not that interested. Attachment 6 (Text Flirting Tips for Guys (2017, Webpage)) at 3.
	No Response to Emails
	There are several reasons why you may not be getting responses to emails that you have sent to a particular member:
	Not all members check their email on a frequent basis Some members choose not to respond to all contacts, although Match encourages everyone to reply to all messages received Not all members are subscribers. Only paying subscribers, or recipients of the Reply for Free feature, can reply to emails they receive.
	Attachment 2 (No Response to Emails (2017, Webpage)) at 1.

- These allegations of infringement are preliminary and are therefore subject to change.
- 22. Match Group has and continues to induce infringement. Match Group has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., online dating services on the Internet] and related services that provide online dating services across the Internet such as to cause infringement of claims 1–11 of the '107 patent, literally or under the doctrine of equivalents. Moreover, Match Group has known of the '107 patent and the technology underlying it from at least the date of issuance of the patent.
- 23. Match Group has caused and will continue to cause NETSOC damage by direct and indirect infringement of (including inducing infringement of) the claims of the '107 patent.

IV. JURY DEMAND

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

V. PRAYER FOR RELIEF

- i. WHEREFORE, NETSOC prays for relief as follows:
 - a. enter judgment that Defendants have infringed the claims of the '107 patent through each of tinder.com; okcupid.com; pof.com; and match.com;
 - b. award NETSOC damages in an amount sufficient to compensate it for Defendants' infringement of the '107 patent, in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
 - c. award NETSOC an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
 - d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award NETSOC its attorneys' fees, expenses, and costs incurred in this action;
 - e. declare Defendants' infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
 - f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendants and their agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendants from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for

future infringement the Defendants will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g. award NETSOC such other and further relief as this Court deems just and proper.

Respectfully submitted,

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