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

19 **HYPERMEDIA NAVIGATION LLC,**

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 21 Plaintiff,

22 v.

23 **GOOGLE LLC,**

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 25 Defendant.
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Case No. 4:18-cv-06137-HSG

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

1 **ORIGINAL COMPLAINT**

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

4 **PARTIES**

5 1. Hypermedia Navigation LLC is a Texas limited liability company with a principle
6 place of business located at 17330 Preston Road, Suite 200D, Dallas, TX 75252.

7 2. Google LLC is a corporation organized and existing under the laws of Delaware, with
8 its principal place of business located at 1600 Amphitheatre Parkway Mountain View, CA 94043.

9 Defendant may be served with process through its registered agent: Corporation Service Company,
10 2710 Gateway Oaks Dr., Ste. 150N, Sacramento, CA 95833.

11 **JURISDICTION AND VENUE**

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

15 4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant has a
16 regular place of business in this district at 1600 Amphitheatre Parkway Mountain View, CA 94043,
17 and has committed acts of patent infringement in this district.

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

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

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



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

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Internet Archive
18 captures
27 Aug 1999 - 27 Nov 2005
JUL 27 NOV
1999 2005
Print Page
Help - Check Email

Search Result Found 46 categories and 923 sites for president

Categories	Web Sites	Web Pages	Related News	Net Events
Yahoo! Category Matches (1 - 26 of 46)				
Government > U.S. Government > Executive Branch > Clinton Administration > Independent Counsel Investigations > Kenneth Starr Investigation of President and Hillary Rodham Clinton				
Government > U.S. Government > Executive Branch > Departments and Agencies > Executive Office of the President				
Business and Economy > Companies > Gambling > Casinos > President Riverboat Casino				
Society and Culture > Holidays and Observances > President's Day				
Entertainment > Movies and Film > Titles > Comedy > American President, The				
Arts > Humanities > History > U.S. History > 20th Century > 1970s > Watergate > All The President's Men				
Government > U.S. Government > Executive Branch > Clinton Administration > Vice President Al Gore				
Entertainment > Movies and Film > Titles > Drama > All The President's Men				
Entertainment > Humor > By Topic > Computers and Internet > Microsoft > Gates, Bill > Bill Gates for President				
Recreation > Sports > Triathlon > Competitions > President's Choice Triathlon Series				
Regional > Countries > Macedonia, Former Yugoslav Republic of > Government > Kiro Gligorov, President of Macedonia				
Full Coverage > US > Presidential Election 2000				
Arts > Humanities > History > U.S. History > People > Presidents				
Government > U.S. Government > Politics > Parties > Republican Party > 2000 Presidential Election				
Government > U.S. Government > Politics > Elections > Presidential Elections				
Government > U.S. Government > Politics > Elections > 1996 U.S. Elections > Presidential Election				
Government > U.S. Government > Politics > Parties > Republican Party > 1996 Presidential Election				
Government > U.S. Government > Politics > Humor > 2000 Presidential Election				
Government > U.S. Government > Politics > Humor > 1996 Presidential Election				
Net Events > Government > Politics > 2000 US Presidential Elections				
Next 20 Matches				
Categories	Web Sites	Web Pages	Related News	Net Events
president Next Search advanced search help				
Other Search Engines AltaVista · GeoCity · HotBot · InetSerk · Dixa.com · More...				
Yellow Pages · People Search · City Maps · Get Local · Today's Web Events & Chats · Image Surfer · More Yahoo!				
<small>Copyright © 1994-1999 Yahoo! Inc. All Rights Reserved. · Company Information · Help · Search Feedback</small>				

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

24 10. On June 3, 2008, United States Patent No. 7,383,323 (the “’323 patent”) was duly and
25 legally issued by the United States Patent and Trademark Office for an invention titled “System and
26 Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
27 copy of the ’323 patent is attached hereto as Exhibit A.
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1 11. On June 3, 2008, United States Patent No. 7,383,324 (the “’324 patent”) was duly and
2 legally issued by the United States Patent and Trademark Office for an invention titled “System and
3 Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct
4 copy of the ’324 patent is attached hereto as Exhibit B.

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

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

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

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

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

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

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

13 19. On August 17, 2004, United States Patent No. 6,779,026 (the “’026 Patent”) was duly
14 and legally issued by the United States Patent and Trademark Office for an invention titled “System
15 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and
16 correct copy of the ’575 Patent is attached hereto as Exhibit J.

18 20. On June 5, 2018, United States Patent No. 9,990,174 (the “’174 Patent”) was duly and
19 legally issued by the United States Patent and Trademark Office for an invention entitled “System
20 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and
21 correct copy of the ’174 Patent is attached hereto as Exhibit K.

22 21. The ’323 Patent, the ’324 Patent, the ’523 Patent, the ’144 Patent, the ’830 Patent, the
23 ’173 Patent, the ’672 Patent, the ’814 Patent, ’575 Patent, ’026 Patent, and the ’174 Patent are
24 collectively referred to as the “Asserted Patents.”

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

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

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3 28. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
4 offers for sale products and/or systems that infringes the claims of the '323 patent (*i.e.*, YouTube,
5 Google Play Movies, and Android TV).

6 29. Upon information and belief, Defendant has been and is now infringing claims 1, 5, 8,
7 10, 11, 14, and 17 of the '323 Patent in the State of California, in this Judicial District, and elsewhere
8 in the United States, by, among other things, directly or through intermediaries, making, using, selling
9 and/or offering for sale YouTube, Google Play Movies, and Android TV, covered by one or more
10 claims of the '323 Patent to the injury of Hypermedia. Defendant is directly infringing, literally
11 infringing, and/or infringing the '323 Patent under the doctrine of equivalents. Defendant is thus liable
12 for infringement of the '323 Patent pursuant to 35 U.S.C. § 271(a).
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14 30. When placed into operation by Defendant or its end users, YouTube and Google Play
15 Movies infringe claim 1 of the '323 Patent as they perform a method for presenting video media
16 elements to a subscriber station, the method comprising: receiving a request from the subscriber station
17 to present at least one video media element to the subscriber station; selecting a plurality of video media
18 elements for presentation to the subscriber station, the plurality of video elements including a first video
19 media element and a plurality of second video media elements; creating a first file for use by the
20 subscriber station to create a first user interface that includes: a first viewing area in which the first
21 video media element is presented; and a first map area having a plurality of icons, each icon
22 representative of a corresponding one of the plurality of second video media elements, the plurality of
23 icons available for selection to access corresponding video media elements; and transmitting the first
24 file to the subscriber station; receiving a map area selection request from the subscriber station, the
25 map area selection request corresponding to a selected icon of the first map area; creating a second file
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1 for use by the subscriber station to create a second user interface that includes: a second viewing area
2 in which a second video media element is presented, the second video element corresponding to the
3 selected icon of the first map area; a second map area having a plurality of icons, each icon
4 representative of a corresponding one of a second plurality of second video media elements, the
5 plurality of icons available for selection to access corresponding video media elements; and
6 transmitting the second file to the subscriber station. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

8 31. When placed into operation by Defendant or its end users, YouTube and Google Play
9 Movies infringe claim 5 of the '323 Patent as they perform the method of claim 1, and further, wherein
10 at least some of the plurality of video media elements comprise JPEG images. *See* Ex. A-1, Figs. 1-
11 24; A-2, Figs. 1-25.

13 32. When placed into operation by Defendant or its end users, YouTube and Google Play
14 Movies infringe claim 8 of the '323 Patent as it performs the method of claim 1, and further, wherein
15 each of the plurality of video media elements for presentation to the subscriber station resides on a
16 common Web site *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

18 33. When placed into operation by Defendant or its end users, YouTube, Google Play
19 Movies, and Android TV infringe claim 10 of the '323 Patent as they perform a method for presenting
20 video media elements to a subscriber station by receiving request from the subscriber station to present
21 at least one video element to the subscriber; selecting a plurality of video media elements for
22 presentation the subscriber station; creating a file for use by the subscriber station to create a user
23 interface; and transmitting the file to the subscriber station. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25;
24 A-3, Figs. 1-7.

26 34. When placed into operation by Defendant or its end users, Android TV infringes claim
27 11 of the '323 Patent as it performs the method of claim 10 and receives the request from the subscriber
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1 station includes receiving a search criteria and selecting the plurality of video media elements includes
2 selecting the plurality of video media elements based upon the search criteria. *See* Ex. A-3, Figs. 1-7.

3 35. When placed into operation by Defendant or its end users, YouTube and Google Play
4 Movies infringe claim 14 of the '323 Patent as they perform the method of claim 10, and furthermore,
5 wherein at least some of the plurality of video media elements comprise JPEG images. *See* Ex. A-1,
6 Figs. 1-24; A-2, Figs. 1-25.

7
8 36. When placed into operation by Defendant or its end users, YouTube infringes claim 17
9 of the '323 Patent as it performs the method of claim 10, and furthermore, comprises creating a billing
10 record indicating creation and transmittal of the file. *See* Ex. A-2, Figs. 1-25.

11
12 37. As a result of Defendant's infringement of the '323 Patent, Hypermedia has suffered
13 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
14 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
15 invention by Defendant, together with interest and costs as fixed by the court.

16
17 **COUNT II**
INFRINGEMENT OF U.S. PATENT NO. 7,383,324

18 38. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
19 offers for sale products and/or systems (*i.e.*, YouTube and Google Play Movies) that infringe claims 1,
20 2, 10, and 11 of the '324 patent.

21
22 39. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 10,
23 and 11 of the '324 Patent in the State of California, in this Judicial District, and elsewhere in the United
24 States, by, among other things, directly or through intermediaries, making, using, selling and/or
25 offering for sale the YouTube and Google Play Movies, covered by one or more claims of the '324
26 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or
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1 infringing the '324 Patent under the doctrine of equivalents. Defendant is thus liable for infringement
2 of the '324 Patent pursuant to 35 U.S.C. § 271(a).

3 40. When placed into operation by Defendant or its end users, YouTube and Google Play
4 Movies infringe claim 1 of the '324 Patent as they perform a method for presenting video media
5 elements to a subscriber station by receiving request from the subscriber station to present at least one
6 video element to the subscriber; selecting a plurality of video media elements for presentation the
7 subscriber station; creating a file for use by the subscriber station to create a user interface; and
8 transmitting the file to the subscriber station. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

9
10 41. When placed into operation by Defendant or its end users, YouTube and Google Play
11 Movies infringe claim 2 of the '324 Patent as they perform the method of claim 1 and each of the first
12 plurality of video media elements and the second plurality of video elements are associated with the
13 Web site. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

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15 42. When placed into operation by Defendant or its end users, YouTube and Google Play
16 Movies infringe claim 10 of the '324 Patent as they perform a method for operating a Web site to cause
17 presentation of video media elements to a subscriber station, the method comprising: downloading a
18 base media element file to the subscriber station that, upon display by the subscriber station, presents
19 a first interface that includes: a first viewing area in which an icon representative of a selected video
20 media element is presented; a first map area having a plurality of icons, each icon representative of a
21 corresponding one of a first plurality of video media elements; and a search criteria interface; receiving
22 a search criteria from the subscriber station; selecting a second plurality of video media elements based
23 upon the search criteria; downloading a second media element file to the subscriber station that, upon
24 display by the subscriber station presents icons representative of the second plurality of video media
25 elements; receiving a video media element selection from the subscriber station corresponding to a
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1 selected one of the second plurality of video media elements; downloading a third media element file
2 to the subscriber station that, upon display by the subscriber station presents an interface that includes:
3 a third viewing area in which the selected one of the second plurality of video media elements is
4 presented; and a third map area having a plurality of icons, each icon representative of a corresponding
5 one of a third plurality of video media elements. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.
6

7 43. When placed into operation by Defendant or its end users, YouTube and Google Play
8 Movies infringe claim 11 of the '324 Patent as they perform the method of claim 10, and further,
9 wherein each of the first plurality of video media elements, the second plurality of video media
10 elements, and the plurality of video media elements are associated with the Web site. *See* Ex. B-1,
11 Figs. 1-21; B-2, Figs. 1-19.
12

13 44. As a result of Defendant's infringement of the '324 Patent, Hypermedia has suffered
14 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
15 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
16 invention by Defendant, together with interest and costs as fixed by the court.
17

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

19 45. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
20 offers for sale products and/or systems (*i.e.*, Google Play Music and YouTube) that infringes the claims
21 of the '523 patent.
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23 46. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3,
24 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the '523 Patent in the State of California, in this Judicial District, and
25 elsewhere in the United States, by, among other things, directly or through intermediaries, making,
26 using, selling and/or offering for sale the Google Play Music and YouTube, covered by one or more
27 claims of the '523 Patent to the injury of Hypermedia. Defendant is directly infringing, literally
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1 infringing, and/or infringing the '523 Patent under the doctrine of equivalents. Defendant is thus liable
2 for infringement of the '523 Patent pursuant to 35 U.S.C. § 271(a).

3 47. When placed into operation by Defendant or its end users, YouTube infringes claim 1
4 of the '523 Patent as it performs a method for navigating a linear Web program wherein the linear Web
5 program includes a plurality of addresses that correspond to a plurality of media elements of the World
6 Wide Web, wherein the plurality of addresses are ordered in the linear Web program in accordance
7 with a linear sequence, and wherein the linear Web program and the plurality of media elements are
8 stored on a remote information node, the method comprising: sending data from the remote information
9 node to display, in a display window of a display device of a subscriber station at a user location, a first
10 media element of the plurality of media elements, the first media element having a forward link to a
11 second media element of the linear Web program; sending the linear Web program from the remote
12 information node to the subscriber station; sending data from the remote information node that causes
13 the display of a forward link indicator on the display device; receiving a first signal in response to an
14 action of the user indicating an activation of the forward link indicator, and in response to the activation
15 of the forward link indicator, sending data from the remote information node to display in the display
16 window, the second media element of the linear Web program, the second media element having a
17 forward link to a third media element of the linear Web program; and receiving a second signal in
18 response to an action of the user indicating an activation of the forward link indicator, and in response
19 to the activation of the forward link indicator, sending data from the remote information node to display
20 in the display window, the third media element of the linear Web program. *See* Ex. C-2, Figs. 1-29.

21 48. When placed into operation by Defendant or its end users, YouTube infringes claim 2
22 of the '523 Patent as it performs the method of claim 1, and further wherein the forward link indicator
23 includes a forward link button. *See* Ex. C-2, Figs. 1-29.
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1 49. When placed into operation by Defendant or its end users, YouTube infringes claim 3
2 of the '523 Patent as it performs the method of claim 1, and further comprises sending data from the
3 remote information node that causes the display of a backward link indicator on the display device. *See*
4 Ex. C-2, Figs. 1-29.

5 50. When placed into operation by Defendant or its end users, YouTube infringes claim 4
6 of the '523 Patent as it performs the method of claim 3, and further, wherein the second media element
7 has a backward link to the first media element, and wherein the method further comprises: receiving a
8 third signal in response to an action of the user indicating an activation of the backward link indicator,
9 and in response to the activation of the backward link indicator when the second web page is being
10 displayed in the display window, activating a backward link to the first media element of the linear
11 Web program. *See* Ex. C-2, Figs. 1-29.

12 51. When placed into operation by Defendant or its end users, YouTube infringes claim 5
13 of the '523 Patent as it performs the method of claim 3, and further, wherein the backward link indicator
14 includes a backward link button. *See* Ex. C-2, Figs. 1-29.

15 52. When placed into operation by Defendant or its end users, Google Play Music and
16 YouTube infringe claim 6 of the '523 Patent as they performs a method for navigating a linear Web
17 program by sending data from a remote information node to display, on a display device at a user
18 location, a first media element of the plurality of media elements from the single Website, the first
19 media element having a forward link to a second media element of the linear Web program, and to
20 display a forward link indicator on the display device; receiving a first signal in response to an action
21 of the user indicating an activation of the forward link indicator, and in response to the activation of
22 the forward link indicator, sending data from the remote information node to display on the display
23 device; and receiving a second signal in response to an action of the user indicating an activation of the
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1 forward link indicator, and in response to the activation of the forward link indicator, sending data from
2 the remote information node to display on the display device, the third media element of the linear Web
3 program. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

4 53. When placed into operation by Defendant or its end users, Google Play Music and
5 YouTube infringe claim 7 of the '523 Patent as they perform the method of claim 6 and the forward
6 link indicator includes a forward link button. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

8 54. When placed into operation by Defendant or its end users, Google Play Music and
9 YouTube infringe claim 8 of the '523 Patent as they perform the method of claim 6 and the media
10 elements include a series of backward links by sending data from the remote information node causing
11 the display of a backward link on the display device. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

13 55. When placed into operation by Defendant or its end users, YouTube infringes claim 9
14 of the '523 Patent as it performs the method of claim 8 and includes second media elements with a
15 backward link to the first media element, whereby receiving a third signal from a user action indicating
16 activation of the backward, and in response to the activation of the backward link from the second
17 webpage being displayed on the device, activating a backward link to the first media element of the
18 linear web program. *See* Ex. C-2, Figs. 1-29.

20 56. When placed into operation by Defendant or its end users, YouTube infringes claim 10
21 of the '523 Patent as it performs the method of claim 9 and the linear web program includes a plurality
22 of addresses that correspond to the plurality of media elements that are ordered in accordance with a
23 linear sequence. *See* Ex. C-2, Figs. 1-29.

25 57. When placed into operation by Defendant or its end users, Google Play Music and
26 YouTube infringe claim 11 of the '523 Patent as they perform the method of claim 6 and also store the
27 linear web program at a remote information node. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

1 sequence of program elements, the method comprising: selecting a first media element of the linear
2 Web program; selecting a second media element of the linear Web program; selecting a third media
3 element of the linear Web program; and associating a plurality of program elements to the linear linked
4 sequence of program elements, wherein each of the plurality of program elements includes an address
5 of one of a plurality of media elements, and wherein the plurality of media elements include the first
6 media element, the second media element and the third media element; wherein the addresses of the
7 plurality of media elements correspond to a single Website of the World Wide Web. *See* Ex. D-4, Figs.
8 1-28.
9

10 63. When placed into operation by Defendant or its end users, YouTube infringes claim 2
11 of the '144 Patent. It performs the method of claim 1, and further comprising: storing the linear Web
12 program on a remote information node. *See* Ex. D-4, Figs. 1-28.
13

14 64. When placed into operation by Defendant or its end users, YouTube infringes claim 3
15 of the '144 Patent. It performs the method of claim 1, and further comprising: sending the linear Web
16 program from the remote information node to a subscriber station at a user location over the Internet.
17 *See* Ex. D-4, Figs. 1-28.
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19 65. When placed into operation by Defendant or its end users, YouTube infringes claim 4
20 of the '144 Patent. It performs the method of claim 1, wherein the first media element, the second
21 media element and the third media element are selected in response to user selections. *See* Ex. D-4,
22 Figs. 1-28.
23

24 66. When placed into operation by Defendant or its end users, YouTube infringes claim 7
25 of the '144 Patent. It performs the method of claim 1 and further wherein the step of associating the
26 plurality of program elements to the linear linked sequence of program elements includes associating
27 the plurality of program elements by the linear linked sequence for navigation by activation of a
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1 backward link indicator that exclusively activates a link to a previous program element of the linearly
2 linked sequence. *See* Ex. D-4, Figs. 1-28.

3 67. When placed into operation by Defendant or its end users, YouTube infringes claim 9
4 of the '144 Patent. It performs the method of claim 1 and further wherein each of the first media
5 element, the second media element and the third media element comprise separate Web pages of the
6 World Wide Web. *See* Ex. D-4, Figs. 1-28.

8 68. When placed into operation by Defendant or its end users, YouTube infringes claim 10
9 of the '144 Patent. It performs the method of claim 1 and further, wherein the first media element, the
10 second media element and the third media element are each stored on a remote information node. *See*
11 Ex. D-4, Figs. 1-28.

13 69. When placed into operation by Defendant or its end users, YouTube infringes claim 11
14 of the '144 Patent. It performs a method comprising: selecting a first media element of a linear Web
15 program; selecting a second media element of the linear Web program; selecting a third media element
16 of the linear Web program; creating the linear Web program for navigation by a user by activation of
17 a forward link indicator that exclusively activates a link to a next program element of a linearly linked
18 sequence, by associating a plurality of program elements by the linear linked sequence, wherein each
19 of the plurality of program elements includes an address of one of a plurality of media elements, and
20 wherein the plurality of media elements include the first media element, the second media element and
21 the third media element; storing the linear Web program on a remote information node; and sending
22 the linear Web program from the remote information node to a subscriber station at a user location over
23 the Internet. *See* Ex. D-4, Figs. 1-28.
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1 70. When placed into operation by Defendant or its end users, YouTube infringes claim 12
2 of the '144 Patent. It performs the method of claim 11 and further, wherein addresses of the plurality
3 of program elements correspond to a single Website of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

4 71. When placed into operation by Defendant or its end users, YouTube infringes claim 16
5 of the '144 Patent. It performs the method of claim 11, and further, wherein the step of creating the
6 linear Web program includes associating the plurality of program elements by the linear linked
7 sequence for navigation by a user by activation of a backward link indicator that exclusively activates
8 a link to a previous program element of the linearly linked sequence. *See* Ex. D-4, Figs. 1-28.

9 72. When placed into operation by Defendant or its end users, YouTube infringes claim 18
10 of the '144 Patent. It performs the method of claim 11, and further, wherein each of the first media
11 element, the second media element and the third media element comprise separate Web pages of the
12 World Wide Web. *See* Ex. D-4, Figs. 1-28.

13 73. When placed into operation by Defendant or its end users, YouTube infringes claim 19
14 of the '144 Patent. It performs the method of claim 11, and further, wherein the first media element,
15 the second media element and the third media element are each stored on the remote information node.
16 *See* Ex. D-4, Figs. 1-28.

17 74. When placed into operation by Defendant or its end users, Google Play Music infringes
18 claim 20 of the '144 Patent. It performs a method of creating a linear program of audio elements, the
19 method comprising: receiving a search request from a user; selecting a first audio element in response
20 to the search request; selecting a second audio element in response to the search request; selecting a
21 third audio element in response to the search request; associating the first audio element, the second
22 audio element and the third audio element in a linearly linked fashion to produce the linear program of
23 audio elements; displaying a plurality of indicators, each of the plurality of indicators representing a
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1 corresponding one of the first audio element, the second audio element and the third audio element;
2 and in response to a user selection of one of the plurality of indicators, selecting the corresponding one
3 of, the first audio element, the second audio element and the third audio element; wherein the first
4 audio element, the second audio element and the third audio element are stored on an information node
5 of the World Wide Web. *See* Ex. D-2, Figs. 1-15.
6

7 75. When placed into operation by Defendant or its end users, YouTube infringes claim 21
8 of the '144 Patent. It performs the method of claim 20, and further comprises displaying a forward
9 link indicator that selects a next program element of a linear program of audio elements. *See* Ex. D-4,
10 Figs. 1-28.
11

12 76. When placed into operation by Defendant or its end users, YouTube infringes claim 22
13 of the '144 Patent. It performs the method of claim 20 and further comprises displaying a backward
14 link indicator that selects a previous program element of a linear program of audio elements. *See* Ex.
15 D-4, Figs. 1-28.
16

17 77. When placed into operation by Defendant or its end users, YouTube infringes claim 23
18 of the '144 Patent. It performs the method of claim 20 and further comprises displaying the linear
19 program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. D-4, Figs.
20 1-28.
21

22 78. When placed into operation by Defendant or its end users, YouTube infringes claim 24
23 of the '144 Patent. It performs the method of claim 20 and further, wherein the indicator includes at
24 least one of: text, icons and graphical depictions. *See* Ex. D-4, Figs. 1-28.
25

26 79. When placed into operation by Defendant or its end users, YouTube infringes claim 25
27 of the '144 Patent. It performs a method of creating a linear program of audio elements, the method
28 comprising: receiving a search request from a user; selecting a first audio element in response to the

1 search request; selecting a second audio element in response to the search request; selecting a third
2 audio element in response to the search request; associating the first audio element, the second audio
3 element and the third audio element in a linearly linked fashion to produce the linear program of audio
4 elements; displaying a forward link indicator that selects a next program element of a linear program
5 of audio elements; and displaying a backward link indicator that selects a previous program element of
6 a linear program of audio elements; wherein the first audio element, the second audio element and the
7 third audio element are stored on an information node of the World Wide Web. *See* Ex. D-4, Figs. 1-
8 28.

9
10 80. When placed into operation by Defendant or its end users, YouTube infringes claim 26
11 of the '144 Patent. It performs the method of claim 25, and further comprises displaying a plurality of
12 indicators, each of the plurality of indicators representing a corresponding one of the first audio
13 element, the second audio element and the third audio element. *See* Ex. D-4, Figs. 1-28.

14
15 81. When placed into operation by Defendant or its end users, YouTube infringes claim 28
16 of the '144 Patent. It performs the method of claim 25, and further comprises in response to a user
17 selection of one of the plurality of indicators, highlighting and selecting the corresponding one of, the
18 first audio element, the second audio element and the third audio element. *See* Ex. D-4, Figs. 1-28.

19
20 82. When placed into operation by Defendant or its end users, YouTube and Google Videos
21 infringe claim 41 of the '144 Patent. They perform the method of claim 39, and further, wherein the user
22 interface includes: a viewing area in which at least one image of the plurality of found video media
23 elements is presented; and a map area in which information regarding some of the plurality of found
24 video media elements is presented. *See* Ex. D-4, Figs. 1-28; D-3, Figs. 1-6.

25
26 83. When placed into operation by Defendant or its end users, Android TV infringes claim
27 44 of the '144 Patent. It performs a method or performing a search for media elements and for
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1 providing the media elements to a subscriber station, the method comprising: receiving a search request
2 from the subscriber station to perform a search for media elements, the search request including at least
3 one search term; searching for media elements based upon the search request to produce a plurality of
4 found media elements; selecting, from the plurality of found media elements, a first media element;
5 selecting, from the plurality of found media elements, a plurality of second media elements; creating a
6 file for use by the subscriber station to create a user interface that includes: a viewing area in which the
7 first media element is presented; and a map area in which information regarding the plurality of second
8 media elements is presented; and transmitting the file to the subscriber station. *See* Ex. D-1, Figs. 1-9.

9
10 84. When placed into operation by Defendant or its end users, Android TV infringes claim
11 48 of the '144 Patent. It performs the method of claim 44, and further comprises creating another file
12 for use by the subscriber station to create another user interface that includes: a viewing area in which
13 the second video media element is presented; a map area in which information regarding the plurality
14 of third media elements. *See* Ex. D-1, Figs. 1-9.

15
16 85. When placed into operation by Defendant or its end users, Android TV infringes claim
17 49 of the '144 Patent. It performs the method of claim 44, and further, wherein the map area and the
18 display area are non-overlapping. *See* Ex. D-1, Figs. 1-9.

19
20 86. As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered
21 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
22 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
23 invention by Defendant, together with interest and costs as fixed by the court.
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COUNT V
INFRINGEMENT OF U.S. PATENT NO. 7,769,830

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3 87. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
4 offers for sale products and/or systems (*i.e.*, YouTube) that infringes claims 1, 4, 7, 8, 9, 12, 13, 15, 18,
5 19, 20, 21, 24, and 25 of the '830 patent.

6 88. Upon information and belief, Defendant has been and is now infringing claims 1, 4, 7,
7 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 Patent in the State of California, in this Judicial
8 District, and elsewhere in the United States, by, among other things, directly or through intermediaries,
9 making, using, selling and/or offering for sale YouTube, covered by one or more claims of the '830
10 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or
11 infringing the '830 Patent under the doctrine of equivalents. Defendant is thus liable for infringement
12 of the '830 Patent pursuant to 35 U.S.C. § 271(a).
13

14 89. When placed into operation by Defendant or its end users, YouTube infringes claim 1
15 of the '830 Patent as it performs a method for operating at least one web server to present video media
16 elements to a subscriber station by receiving a web page request from the subscriber station; in response
17 to receiving the web page request, the at least one web server creating at least one web page for use by
18 a browser of the subscriber station to produce a user interface at the subscriber station that includes a
19 viewing area and a map area; and responding to the web page request by the at least one web server by
20 initiating download of the at least one web page to the subscriber station . *See* Ex. E-1, Figs. 1-24.
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22

23 90. When placed into operation by Defendant or its end users, YouTube infringes claim 4
24 of the '830 Patent as it performs the method of claim 1 and further comprises receiving a selection from
25 the subscriber station of one of the plurality of second video media elements for display in the viewing
26 area by the at least one web server. *See* Ex. E-1, Figs. 1-24.
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1 91. When placed into operation by Defendant or its end users, YouTube infringes claim 7
2 of the '830 Patent as it performs the method of claim 1 and further wherein receiving the web page
3 request from the subscriber station by the at least one web server includes receiving a search criteria
4 and at least one search preference; and further comprising the at least one web server selecting the first
5 video media element and the plurality of second video media elements based upon the search criteria
6 and the at least one search preference. *See* Ex. E-1, Figs. 1-24.

8 92. When placed into operation by Defendant or its end users, YouTube infringes claim 8
9 of the '830 Patent as it performs the method of claim 1 and further wherein at least some icons of the
10 map area comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

11 93. When placed into operation by Defendant or its end users, YouTube infringes claim 9
12 of the '830 Patent as it performs the method of claim 1 and further wherein at least some of the plurality
13 of video media elements comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

14 94. When placed into operation by Defendant or its end users, YouTube infringes claim 12
15 of the '830 Patent as it performs the method of claim 1 and further wherein at least some icons of the
16 map area convey subjects of corresponding second video media elements. *See* Ex. E-1, Figs. 1-24.

17 95. When placed into operation by Defendant or its end users, YouTube infringes claim 13
18 of the '830 Patent as it performs the method of claim 1 and further wherein the plurality of video media
19 elements for presentation to the subscriber station reside on a common Web site. *See* Ex. E-1, Figs. 1-
20 24.

21 96. When placed into operation by Defendant or its end users, YouTube infringes claim 15
22 of the '830 Patent as it performs a method for presenting video media elements to a subscriber station
23 by at least one web server, the method comprising: creating at least one web page by the at least one
24 web server for use by a browser of the subscriber station to produce a user interface at the subscriber
25 station.

1 station that includes: a viewing area in which a first video media element is presented; and a map area
2 in which a plurality of icons are presented, each icon representative of a corresponding one of a plurality
3 of second video media elements, the plurality of icons available for selection to access corresponding
4 video media elements; receiving a web page request from the subscriber station by the at least one web
5 server; and responding to the web page request by the at least one web server by initiating download
6 of the at least one web page to the subscriber station. *See* Ex. E-1, Figs. 1-24.
7

8 97. When placed into operation by Defendant or its end users, YouTube infringes claim 18
9 of the '830 Patent as it performs the method of claim 15 and further wherein the plurality of video
10 media elements are selected by the at least one web server after receipt of the web page request from
11 the subscriber station. *See* Ex. E-1, Figs. 1-24.
12

13 98. When placed into operation by Defendant or its end users, YouTube infringes claim 19
14 of the '830 Patent as it performs the method of claim 15 and further comprises the at least one web
15 server receiving a selection from the subscriber station of one of the plurality of second video media
16 elements for display in the viewing area. *See* Ex. E-1, Figs. 1-24.
17

18 99. When placed into operation by Defendant or its end users, YouTube infringes claim 20
19 of the '830 Patent as it performs the method of claim 15 and further wherein at least some icons of the
20 map area comprise JPEG images. *See* Ex. E-1, Figs. 1-24.
21

22 100. When placed into operation by Defendant or its end users, YouTube infringes claim 21
23 of the '830 Patent as it performs the method of claim 15 and further wherein at least some of the
24 plurality of video media elements comprise JPEG images. *See* Ex. E-1, Figs. 1-24.
25

26 101. When placed into operation by Defendant or its end users, YouTube infringes claim 24
27 of the '830 Patent as it performs the method of claim 15 and further wherein at least some icons of the
28 map area convey subjects of corresponding second video media elements. *See* Ex. E-1, Figs. 1-24.

1 least one web server accessing a web page for use by a browser of the subscriber station to produce a
2 user interface at the subscriber station that includes: a viewing area in which a preview of a first video
3 media element is presented, the preview available for selection to access a corresponding video media
4 element; and a map area in which a plurality of icons are presented, each icon representative of a
5 corresponding one of a plurality of second video media elements, the plurality of icons available for
6 selection to access corresponding video media elements; and responding to the web page request by
7 the at least one web server by initiating download of the web page to the subscriber station. *See* Ex. F-
8 1, Figs. 1-29.
9

10 107. When placed into operation by Defendant or its end users, Google Play Movies infringes
11 claim 2 of the '173 Patent. It performs the method of claim 1, wherein the preview of the first media
12 element comprises a still image. *See* Ex. F-1, Figs. 1-29.
13

14 108. When placed into operation by Defendant or its end users, Google Play Movies infringes
15 claim 5 of the '173 Patent. It performs the method of claim 1, further comprising: receiving a selection
16 from the subscriber station of the corresponding video media element; and servicing the selection by
17 causing presentation of the corresponding video media element on the subscriber station. *See* Ex. F-1,
18 Figs. 1-29.
19

20 109. When placed into operation by Defendant or its end users, Google Play Movies infringes
21 claim 6 of the '173 Patent. It performs the method of claim 1, further comprising: receiving a selection
22 from the subscriber station of one of the plurality of second video media; and servicing the selection
23 by causing presentation of the selected one of the plurality of second video media elements on the
24 subscriber station. *See* Ex. F-1, Figs. 1-29.
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1 110. When placed into operation by Defendant or its end users, Google Play Movies infringes
2 claim 12 of the '173 Patent. It performs the method of claim 1, wherein at least some icons of the map
3 area convey subjects of corresponding second video media elements. *See* Ex. F-1, Figs. 1-29.

4 111. When placed into operation by Defendant or its end users, Google Play Movies infringes
5 claim 13 of the '173 Patent. It performs the method of claim 1, wherein the plurality of video media
6 elements for presentation to the subscriber station reside on a common Web site. *See* Ex. F-1, Figs. 1-
7 29.

8 112. When placed into operation by Defendant or its end users, YouTube, Google Play
9 Movies, and Google Videos infringe claim 15 of the '173 Patent. They perform a method for presenting
10 video media elements to a subscriber station by at least one web server, the method comprising:
11 receiving a web page request from the subscriber station that includes a search criteria; retrieving a
12 plurality of video media elements based upon the search criteria; creating at least one web page by the
13 at least one web server for use by a browser of the subscriber station to produce a user interface at the
14 subscriber station that includes: a map area in which a plurality of icons are presented, each icon
15 representative of a corresponding one of the plurality of video media elements, the plurality of icons
16 available for selection to access corresponding video media elements; and responding to the web page
17 request by the at least one web server by initiating download of the at least one web page to the
18 subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

19 113. When placed into operation by Defendant or its end users, YouTube, Google Play
20 Movies, and Google Videos infringe claim 16 of the '173 Patent. They perform the method of claim
21 15, further comprising: receiving a selection from the subscriber station of a corresponding video media
22 element; and servicing the selection by causing presentation of the corresponding video media element
23 on the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.
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1 114. When placed into operation by Defendant or its end users, Google Play Movies infringes
2 claim 17 of the '173 Patent. It performs the method of claim 15, further comprising: receiving a
3 selection from the subscriber station of a corresponding video media element; in response to receiving
4 the selection, the at least one web server creating at least one second web page for use by a browser of
5 the subscriber station to produce a user interface at the subscriber station that includes: a viewing area
6 in which an icon representing the corresponding video media element is presented; and a map area in
7 which a plurality of icons are presented, each icon representative of a corresponding one of a plurality
8 of second video media elements, the plurality of icons available for selection to access corresponding
9 video media elements; and responding to the selection by the at least one web server by initiating
10 download of the at least one second web page to the subscriber station. *See* Ex. F-1, Figs. 1-29.
11

12
13 115. When placed into operation by Defendant or its end users, Google Play Movies infringes
14 claim 18 of the '173 Patent. It performs the method of claim 17, further comprising: receiving a
15 selection from the subscriber station of the corresponding video media; and servicing the selection by
16 causing presentation of the corresponding video media on the subscriber station. *See* Ex. F-1, Figs. 1-
17 29.
18

19 116. When placed into operation by Defendant or its end users, Google Play Movies infringes
20 claim 21 of the '173 Patent. It performs the method of claim 15, further comprising: receiving a
21 selection from the subscriber station of a corresponding video media element; and in response to
22 receiving the selection, the at least one web server creating at least one second web page for use by a
23 browser of the subscriber station to produce a user interface at the subscriber station that includes at
24 least an icon representing the corresponding video media element. *See* Ex. F-1, Figs. 1-29.
25

26 117. When placed into operation by Defendant or its end users, Google Play Movies infringes
27 claim 22 of the '173 Patent. It performs the method of claim 21, further comprising: receiving a
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1 selection from the subscriber station of the corresponding video media; and servicing the selection by
2 causing presentation of the corresponding video media on the subscriber station. *See* Ex. F-1, Figs. 1-
3 29.

4 118. When placed into operation by Defendant or its end users, Google Play Movies infringes
5 claim 23 of the '173 Patent. It performs the method of claim 21, wherein the at least one second web
6 page further comprises a map area in which a plurality of icons are presented, each icon representative
7 of a corresponding one of another plurality of video media elements. *See* Ex. F-1, Figs. 1-29.

9 119. When placed into operation by Defendant or its end users, YouTube, Google Play
10 Movies, and Google Videos infringe claim 24 of the '173 Patent. They perform the method of claim
11 15, further comprising: receiving a selection from the subscriber station of a corresponding video media
12 element; in response to receiving the selection, the at least one web server creating at least one second
13 web page for use by a browser of the subscriber station to produce a user interface at the subscriber
14 station that includes: a viewing area in which an icon representing the corresponding video media
15 element is presented; and a map area in which a plurality of icons are presented, each icon
16 representative of a corresponding one of a plurality of second video media elements, the plurality of
17 icons available for selection to access corresponding video media elements; and responding to the
18 selection by the at least one web server by initiating download of the at least one second web page to
19 the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

22 120. When placed into operation by Defendant or its end users, YouTube and Google Play
23 Movies, infringe claim 25 of the '173 Patent. They perform the method of claim 15, wherein the
24 plurality of video media elements for presentation to the subscriber station reside on a common Web
25 site. *See* Ex. F-1, Figs. 1-29; F-3, Figs. 1-10.

1 121. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered
2 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
3 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
4 invention by Defendant, together with interest and costs as fixed by the court.
5

6 **COUNT VII**
INFRINGEMENT OF U.S. PATENT NO. 9,083,672

7 122. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
8 offers for sale products and/or systems (*i.e.*, Google Play Music and YouTube) that infringes the claims
9 of the '672 patent.
10

11 123. Upon information and belief, Defendant has been and is now infringing claim 1, 2, 3, 4,
12 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24 of the '672 Patent in the State of
13 California, in this Judicial District, and elsewhere in the United States, by, among other things, directly
14 or through intermediaries, making, using, selling and/or offering for sale Google Play Music and
15 YouTube, covered by one or more claims of the '672 Patent to the injury of Hypermedia. Defendant
16 is directly infringing, literally infringing, and/or infringing the '672 Patent under the doctrine of
17 equivalents. Defendant is thus liable for infringement of the '672 Patent pursuant to 35 U.S.C. § 271(a).
18

19 124. When placed into operation by Defendant or its end users, Google Play Music infringes
20 claim 1 of the '672 Patent. It performs a method of presenting a linear program of audio elements, the
21 method comprising: selecting a first audio element; selecting a second audio element; selecting a third
22 audio element; associating the first audio element, the second audio element and the third audio element
23 in a linearly linked fashion to produce the linear program of audio elements; displaying a plurality of
24 indicators, each of the plurality of indicators representing a corresponding one of the first audio
25 element, the second audio element or the third audio element; displaying a forward link indicator that
26 selects a next program element of the linear program of audio elements; and in response to a user
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1 selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element,
2 the second audio element or the third audio element; wherein the first audio element, the second audio
3 element and the third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-
4 22.

5
6 125. When placed into operation by Defendant or its end users, Google Play Music infringes
7 claim 2 of the '672 Patent. It performs the method of claim 1 further comprising: displaying a backward
8 link indicator that selects a previous program element of the linear program of audio elements. *See* Ex.
9 G-1, Figs. 1-22.

10
11 126. When placed into operation by Defendant or its end users, Google Play Music infringes
12 claim 3 of the '672 Patent. It performs the method of claim 1 further comprising: displaying the linear
13 program of audio elements to a subscriber station at a user location over an Internet. *See* Ex. G-1, Figs.
14 1-22.

15
16 127. When placed into operation by Defendant or its end users, Google Play Music infringes
17 claim 4 of the '672 Patent. It performs the method of claim 1 wherein the plurality of indicators
18 includes at least one of: text, icons or graphical depictions. *See* Ex. G-1, Figs. 1-22.

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20 128. When placed into operation by Defendant or its end users, Google Play Music infringes
21 claim 5 of the '672 Patent. It performs a method of presenting a linear program of audio elements, the
22 method comprising: associating a first audio element, a second audio element and a third audio element
23 in a linearly linked fashion to produce the linear program of audio elements; displaying the linear
24 program of audio elements to a subscriber station at a user location over the Internet by displaying a
25 plurality of indicators, each of the plurality of indicators representing a corresponding one of the first
26 audio element, the second audio element or the third audio element, wherein the plurality of indicators
27 includes at least one of: text, icons and graphical depictions; in response to a user selection of one of
28

1 the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio
2 element or the third audio element; displaying a forward link indicator that selects a next program
3 element of the linear program of audio elements; and in response to a user selection of one of the
4 plurality of indicators, selecting the corresponding one of, the first audio element, the second audio
5 element or the third audio element; wherein the first audio element, the second audio element and the
6 third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

8 129. When placed into operation by Defendant or its end users, Google Play Music infringes
9 claim 6 of the '672 Patent. It performs a method of presenting a linear program of audio elements, the
10 method comprising: selecting a first audio element; selecting a second audio element; selecting a third
11 audio element; associating the first audio element, the second audio element and the third audio element
12 in a linearly linked fashion to produce the linear program of audio elements; displaying a forward link
13 indicator that selects a next program element of the linear program of audio elements; and displaying
14 a backward link indicator that selects a previous program element of the linear program of audio
15 elements; wherein the first audio element, the second audio element and the third audio element are
16 stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

19 130. When placed into operation by Defendant or its end users, Google Play Music infringes
20 claim 7 of the '672 Patent. It performs the method of claim 6 further comprising: displaying a plurality
21 of indicators, each of the plurality of indicators representing a corresponding one of the first audio
22 element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

24 131. When placed into operation by Defendant or its end users, Google Play Music infringes
25 claim 8 of the '672 Patent. It performs the method of claim 7 further comprising: in response to a user
26 selection of one of the plurality of indicators, highlighting and selecting a corresponding one of, the
27 first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

1 132. When placed into operation by Defendant or its end users, Google Play Music infringes
2 claim 9 of the '672 Patent. It performs the method of claim 6 further comprising: sending the linear
3 program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. G-1, Figs.
4 1-22.

5 133. When placed into operation by Defendant or its end users, Google Play Music infringes
6 claim 10 of the '672 Patent. It performs the method of presenting a linear program of audio elements,
7 the method comprising: associating a first audio element, a second audio element and a third audio
8 element in a linearly linked fashion to produce the linear program of audio elements; displaying a
9 plurality of indicators, each of the plurality of indicators representing a corresponding one of the first
10 audio element, the second audio element or the third audio element, wherein the plurality of indicators
11 includes at least one of: text, icons or graphical depictions; in response to a user selection of one of the
12 plurality of indicators, selecting the corresponding one of, the first audio element, the second audio
13 element or the third audio element; and displaying a forward link indicator that selects a next program
14 element of a linear program of audio elements; wherein the first audio element, the second audio
15 element and the third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-
16 22.

17 134. When placed into operation by Defendant or its end users, Google Play Music infringes
18 claim 11 of the '672 Patent. It performs the method of claim 10 further comprising: in response to a
19 user selection of one of the plurality of indicators, highlighting the corresponding one of, the first audio
20 element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

21 135. When placed into operation by Defendant or its end users, Google Play Music infringes
22 claim 12 of the '672 Patent. It performs the method of claim 10 further comprising: displaying a
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1 backward link indicator that selects a previous program element of a linear program of audio elements.
2 *See* Ex. G-1, Figs. 1-22.

3 136. When placed into operation by Defendant or its end users, Google Play Music infringes
4 claim 13 of the '672 Patent. It performs the method of claim 10 further comprising: displaying the
5 linear program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. G-
6 1, Figs. 1-22.

7
8 137. When placed into operation by Defendant or its end users, YouTube infringes claim 14
9 of the '672 Patent. It performs the method of presenting a linear program of video elements, the linear
10 program including a first video element, a second video element and a third video element, the method
11 comprising: displaying a plurality of indicators in a map area of a display screen, each of the plurality
12 of indicators representing a corresponding one of the first video element, the second video element or
13 the third video element, wherein the plurality of indicators includes at least one of: text, icons or
14 graphical depictions; displaying a forward link indicator corresponding to a next program element of
15 the linear program of video elements; selecting the next program element of the linear program of video
16 elements in response to a user selection of the forward link indicator; and displaying the selected next
17 program element in a viewing area of the display screen; wherein the first video element, the second
18 video element and the third video element are stored on a server of a World Wide Web. *See* Ex. G-2,
19 Figs. 1-24.

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21
22 138. When placed into operation by Defendant or its end users, YouTube infringes claim 15
23 of the '672 Patent. It performs the method of claim 14 further comprising: in response to a user
24 selection of one of the plurality of indicators, selecting a selected video element corresponding to one
25 of, the first video element, the second video element or the third video element. *See* Ex. G-2, Figs. 1-
26 24.
27
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1 139. When placed into operation by Defendant or its end users, YouTube infringes claim 16
2 of the '672 Patent. It performs the method of claim 14 further comprising: in response to a user
3 selection of one of the plurality of indicators, highlighting the corresponding one of, the first video
4 element, the second video element or the third video element. *See* Ex. G-2, Figs. 1-24.
5

6 140. When placed into operation by Defendant or its end users, YouTube infringes claim 17
7 of the '672 Patent. It performs the method of claim 14 further comprising: displaying a backward link
8 indicator corresponding to a previous program element of a linear program of video elements. *See* Ex.
9 G-2, Figs. 1-24.
10

11 141. When placed into operation by Defendant or its end users, YouTube infringes claim 18
12 of the '672 Patent. It performs the method of claim 14 further comprising: displaying the linear
13 program of video elements to a subscriber station at a user location over the Internet. *See* Ex. G-2, Figs.
14 1-24.
15

16 142. When placed into operation by Defendant or its end users, Google Play Music and
17 YouTube infringe claim 20 of the '672 Patent. They perform a method for navigating a linear Web
18 program wherein the linear Web program includes a plurality of addresses that correspond to a plurality
19 of media elements of a World Wide Web, wherein the plurality of addresses are ordered in the linear
20 Web program in accordance with a linear sequence, and wherein the linear Web program and the
21 plurality of media elements are stored on a remote node, the method comprising: sending data from the
22 remote node to display, in a display window of a display device of a subscriber station at a user location,
23 a first media element of the plurality of media elements, the first media element having a forward link
24 to a second media element of the linear Web program; sending the linear Web program from the remote
25 node to the subscriber station; when the first media element is displayed in the display window,
26 receiving a first signal in response to an action of the user indicating a first forward link activation, and
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1 in response to the first signal, sending data from the remote node to display in the display window, the
2 second media element of the linear Web program, the second media element having a forward link to
3 a third media element of the linear Web program; and when the second media element is displayed in
4 the display window, receiving a second signal in response to an action of the user indicating a second
5 forward link activation, and in response to the second signal, sending data from the remote node to
6 display in the display window, the third media element of the linear Web program. *See* Ex. G-1, Figs.
7 1-22; G-2, Figs. 1-24.
8

9 143. When placed into operation by Defendant or its end users, Google Play Music and
10 YouTube infringe claim 21 of the '672 Patent. They perform the method of claim 20 further
11 comprising: sending data from the remote node that causes the display of a forward link indicator on
12 the display device. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.
13

14 144. When placed into operation by Defendant or its end users, Google Play Music and
15 YouTube infringe claim 22 of the '672 Patent. They perform the method of claim 20 wherein the
16 plurality of media elements are further associated by a series of backward links. *See* Ex. G-1, Figs. 1-
17 22; G-2, Figs. 1-24.
18

19 145. When placed into operation by Defendant or its end users, Google Play Music and
20 YouTube infringe claim 23 of the '672 Patent. They perform the method of claim 22, wherein the
21 method further comprises: sending data from the remote node that causes the display of a backward
22 link indicator on the display device. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.
23

24 146. When placed into operation by Defendant or its end users, Google Play Music and
25 YouTube infringe claim 24 of the '672 Patent. They perform the method of claim 20 wherein the
26 second media element has a backward link to the first media element, and wherein the method further
27 comprises: when the second media element is being displayed in the display window, receiving a third
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1 signal in response to an action of the user indicating a backward link activation; and in response to the
2 third signal, activating the backward link to the first media element. *See* Ex. G-1, Figs. 1-22; G-2, Figs.
3 1-24.

4 147. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered
5 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
6 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
7 invention by Defendant, together with interest and costs as fixed by the court.
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10
11 **COUNT VIII**
12 **INFRINGEMENT OF U.S. PATENT NO. 9,772,814**

13 148. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
14 offers for sale products and/or systems (*i.e.*, the Google Play Music and YouTube) that infringe the
15 claims of the '814 patent.
16

17 149. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3,
18 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 of the '814 Patent in the State of California, in
19 this Judicial District, and elsewhere in the United States, by, among other things, directly or through
20 intermediaries, making, using, importing, providing, selling and/or offering for sale Google Play Music
21 and YouTube, covered by one or more claims of the '814 Patent to the injury of Hypermedia.
22 Defendant is directly infringing, literally infringing, and/or infringing the '814 Patent under the
23 doctrine of equivalents. Defendant is thus liable for infringement of the '814 Patent pursuant to 35
24 U.S.C. § 271(a).
25

26 150. When placed into operation by Defendant or its end users, Google Play Music infringes
27 claim 1 of the '814 Patent. It performs a method of presenting a linear program of audio elements, the
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1 method comprising: selecting a first audio element via a server; selecting a second audio element via
2 the server; selecting a third audio element via the server; associating, via the server, the first audio
3 element, the second audio element and the third audio element in a linearly linked fashion to produce
4 the linear program of audio elements; sending data for displaying a plurality of indicators, each of the
5 plurality of indicators representing a corresponding one of the first audio element, the second audio
6 element or the third audio element; sending data for displaying a forward link indicator that selects a
7 next program element of the linear program of audio elements; and in response to a user selection of
8 one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second
9 audio element or the third audio element; wherein the first audio element, the second audio element
10 and the third audio element are stored on the server. *See* Ex. H-1, Figs. 1-22.

11
12
13 151. When placed into operation by Defendant or its end users, Google Play Music infringes
14 claim 2 of the '814 Patent. It performs the method of claim 1 further comprising: sending data for
15 displaying a backward link indicator that selects a previous program element of the linear program of
16 audio elements. *See* Ex. H-1, Figs. 1-22.

17
18 152. When placed into operation by Defendant or its end users, Google Play Music infringes
19 claim 3 of the '814 Patent. It performs the method of claim 1 further comprising: sending data for
20 displaying the linear program of audio elements to a subscriber station at a user location over an
21 Internet. *See* Ex. H-1, Figs. 1-22.

22
23 153. When placed into operation by Defendant or its end users, Google Play Music infringes
24 claim 4 of the '814 Patent. It performs the method of claim 1 wherein the plurality of indicators
25 includes at least one of: text, icons or graphical depictions. *See* Ex. H-1, Figs. 1-22.

26
27 154. When placed into operation by Defendant or its end users, Google Play Music infringes
28 claim 5 of the '814 Patent. It performs a method of presenting a linear program of audio elements, the

1 method comprising: associating, via a server, a first audio element, a second audio element and a third
2 audio element in a linearly linked fashion to produce the linear program of audio elements; sending
3 data for displaying the linear program of audio elements to a subscriber station at a user location over
4 an Internet connection by displaying a plurality of indicators, each of the plurality of indicators
5 representing a corresponding one of the first audio element, the second audio element or the third audio
6 element, wherein the plurality of indicators includes at least one of: text, icons and graphical depictions;
7 in response to a user selection of one of the plurality of indicators, selecting the corresponding one of,
8 the first audio element, the second audio element or the third audio element; sending data for displaying
9 a forward link indicator that selects a next program element of the linear program of audio elements;
10 and in response to a user selection of one of the plurality of indicators, selecting the corresponding one
11 of, the first audio element, the second audio element or the third audio element; wherein the first audio
12 element, the second audio element and the third audio element are stored on the server. *See* Ex. H-1,
13 Figs. 1-22.

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16 155. When placed into operation by Defendant or its end users, Google Play Music infringes
17 claim 7 of the '814 Patent. It performs a method of presenting a linear program of audio elements, the
18 method comprising: selecting, by a server, a first audio element; selecting, by the server, a second audio
19 element; selecting, by the server, a third audio element; associating, by the server, the first audio
20 element, the second audio element and the third audio element in a linearly linked fashion to produce
21 the linear program of audio elements; sending data for displaying a forward link indicator that selects
22 a next program element of the linear program of audio elements; and sending data for displaying a
23 backward link indicator that selects a previous program element of the linear program of audio
24 elements; wherein the first audio element, the second audio element and the third audio element are
25 stored on the server. *See* Ex. H-1, Figs. 1-22.

1 156. When placed into operation by Defendant or its end users, Google Play Music infringes
2 claim 8 of the '814 Patent. It performs the method of claim 7 further comprising: sending data for
3 displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one
4 of the first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-
5 22.
6

7 157. When placed into operation by Defendant or its end users, Google Play Music infringes
8 claim 9 of the '814 Patent. It performs the method of claim 8 further comprising: in response to a user
9 selection of one of the plurality of indicators, highlighting and selecting a corresponding one of, the
10 first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-22.
11

12 158. When placed into operation by Defendant or its end users, Google Play Music infringes
13 claim 10 of the '814 Patent. It performs a method of presenting a linear program of audio elements,
14 the method comprising: receiving a search request from a client device; determining a first audio
15 element, a second audio element and a third audio element in response to the search request;
16 associating, by a server, the first audio element, the second audio element and the third audio element
17 in a linearly linked fashion to produce the linear program of audio elements; sending data for displaying
18 a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first
19 audio element, the second audio element or the third audio element, wherein the plurality of indicators
20 includes at least one of: text, icons or graphical depictions; in response to a user selection of one of the
21 plurality of indicators, selecting the corresponding one of, the first audio element, the second audio
22 element or the third audio element; and sending data for displaying a forward link indicator that selects
23 a next program element of a linear program of audio elements; wherein the first audio element, the
24 second audio element and the third audio element are stored on a server of a World Wide Web. *See* Ex.
25 H-1, Figs. 1-22.
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1 159. When placed into operation by Defendant or its end users, Google Play Music infringes
2 claim 11 of the '814 Patent. It performs the method of claim 10 further comprising: in response to a
3 user selection of one of the plurality of indicators, highlighting the corresponding one of, the first audio
4 element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-22.

5 160. When placed into operation by Defendant or its end users, Google Play Music infringes
6 claim 12 of the '814 Patent. It performs the method of claim 10 further comprising: sending data for
7 displaying a backward link indicator that selects a previous program element of a linear program of
8 audio elements. *See* Ex. H-1, Figs. 1-22.

9 161. When placed into operation by Defendant or its end users, Google Play Music infringes
10 claim 13 of the '814 Patent. It performs the method of claim 10 further comprising: sending data for
11 displaying the linear program of audio elements to a subscriber station at a user location over an Internet
12 connection. *See* Ex. H-1, Figs. 1-22.

13 162. When placed into operation by Defendant or its end users, YouTube infringes claim 14
14 of the '814 Patent. It performs a method of presenting a linear program of video elements, the linear
15 program including a first video element, a second video element and a third video element, the method
16 comprising: sending data for displaying a plurality of indicators in a map area of a display screen, each
17 of the plurality of indicators representing a corresponding one of the first video element, the second
18 video element or the third video element, wherein the plurality of indicators includes at least one of:
19 text, icons or graphical depictions; sending data for displaying a forward link indicator corresponding
20 to a next program element of the linear program of video elements; selecting, by a server, the next
21 program element of the linear program of video elements in response to a user selection of the forward
22 link indicator; and sending data for displaying the selected next program element in a viewing area of
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1 the display screen; wherein the first video element, the second video element and the third video
2 element are stored on the server. *See* Ex. H-2, Figs. 1-21.

3 163. When placed into operation by Defendant or its end users, YouTube infringes claim 15
4 of the '814 Patent. It performs the method of claim 14 further comprising: in response to a user
5 selection of one of the plurality of indicators, selecting a selected video element corresponding to one
6 of, the first video element, the second video element or the third video element. *See* Ex. H-2, Figs. 1-
7 21.
8

9 164. When placed into operation by Defendant or its end users, YouTube infringes claim 16
10 of the '814 Patent. It performs the method of claim 14 further comprising: in response to a user
11 selection of one of the plurality of indicators, highlighting the corresponding one of, the first video
12 element, the second video element or the third video element. *See* Ex. H-2, Figs. 1-21.
13

14 165. When placed into operation by Defendant or its end users, YouTube infringes claim 17
15 of the '814 Patent. It performs the method of claim 14 further comprising: displaying a backward link
16 indicator corresponding to a previous program element of a linear program of video elements. *See* Ex.
17 H-2, Figs. 1-21.
18

19 166. When placed into operation by Defendant or its end users, YouTube infringes claim 18
20 of the '814 Patent. It performs the method of claim 14 further comprising: sending data for displaying
21 the linear program of video elements to a subscriber station at a user location over an Internet. *See* Ex.
22 H-2, Figs. 1-21.
23

24 167. When placed into operation by Defendant or its end users, Google Play Music and
25 YouTube infringe claim 20 of the '814 Patent. They perform a method for navigating a linear Web
26 program wherein the linear Web program includes a plurality of addresses that correspond to a plurality
27 of media elements of a World Wide Web, wherein the plurality of addresses are ordered in the linear
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1 Web program in accordance with a linear sequence, and wherein the linear Web program and the
2 plurality of media elements are stored on a network node, the method comprising: sending data from
3 the network node to display, in a display window of a display device of a subscriber station at a user
4 location, a first media element of the plurality of media elements, the first media element having a
5 forward link to a second media element of the linear Web program; sending the linear Web program
6 from the network node to the subscriber station; when the first media element is displayed in the display
7 window, receiving a first signal in response to an action of the user indicating a first forward link
8 activation, and in response to the first signal, sending data from the network node to display in the
9 display window, the second media element of the linear Web program, the second media element
10 having a forward link to a third media element of the linear Web program; and when the second media
11 element is displayed in the display window, receiving a second signal in response to an action of the
12 user indicating a second forward link activation, and in response to the second signal, sending data
13 from the network node to display in the display window, the third media element of the linear Web
14 program. *See* Ex. H-1, Figs. 1-22; H-2, Figs. 1-21.

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

22
23 **COUNT IX**
INFRINGEMENT OF U.S. PATENT NO. 9,864,575

24 169. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
25 offers for sale products and/or systems (*i.e.*, Google Images) that infringes the claims of the '575 Patent.

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27 170. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3,
28 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '575 Patent in the State of California, in

1 this Judicial District, and elsewhere in the United States, by, among other things, directly or through
2 intermediaries, making, using, importing, providing, selling and/or offering for Google Images,
3 covered by one or more claims of the '575 Patent to the injury of Hypermedia. Defendant is directly
4 infringing, literally infringing, and/or infringing the '575 Patent under the doctrine of equivalents.
5 Defendant is thus liable for infringement of the '575 Patent pursuant to 35 U.S.C. § 271(a).
6

7 171. When placed into operation by Defendant or its end users, Google Images infringes
8 claim 1 of the '575 Patent. It performs a method of presenting a linear program of image elements, the
9 method comprising: selecting, via a server of a World Wide Web including a processor and a memory,
10 a first image element; selecting, via the server of the World Wide Web, a second image element;
11 selecting, via the server of the World Wide Web, a third image element; associating, via the server of
12 the World Wide Web, the first image element, the second image element and the third image element
13 in a linearly linked fashion to produce the linear program of image elements; transmitting, via the server
14 of the World Wide Web, first data for display in a map area of a display screen of a client device
15 associated with a user, the first data including a plurality of indicators, each of the plurality of indicators
16 representing a corresponding one of the first image element, the second image element and the third
17 image element; transmitting via the server of the World Wide Web and for display on the display screen
18 of the client device associated with the user, second data including a forward link indicator that
19 facilitates automatic selection a next program element of the linear program of image elements; and
20 receiving, via the server of the World Wide Web, third data from the client device associated with the
21 user indicating a selection by the user of one of the plurality of indicators representing a selected one
22 of, the first image element, the second image element or the third image element; wherein the first
23 image element, the second image element and the third image element are stored on the server of the
24 World Wide Web and wherein the selected one of, the first image element, the second image element
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1 or the third image element is transmitted, via the server of the World Wide Web, to the client device
2 associated with the user. *See* Ex. I-1, Figs. 1-38.

3 172. When placed into operation by Defendant or its end users, Google Images infringes
4 claim 2 of the '575 Patent. It performs the method of claim 1 further comprising: transmitting, via the
5 server of the World Wide Web, fourth data for display on the display screen of the client device
6 associated with the user, the fourth data including a backward link indicator that selects a previous
7 program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

9 173. When placed into operation by Defendant or its end users, Google Images infringes
10 claim 3 of the '575 Patent. It performs the method of claim 2 further comprising: receiving, via the
11 server of the World Wide Web, fifth data from the client device associated with the user indicating a
12 selection by the user of the backward link indicator; determining, via the server of the World Wide
13 Web, the previous program element of the linear program of image elements, based on the linear
14 program of image elements and further based on the selected one of, the first image element, the second
15 image element or the third image element; transmitting, via the server of the World Wide Web, sixth
16 data for display on the display screen of the client device associated with the user, the sixth data
17 including the previous program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-
18 38.

21 174. When placed into operation by Defendant or its end users, Google Images infringes
22 claim 4 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the
23 server of the World Wide Web, fourth data from the client device associated with the user indicating a
24 selection by the user of the forward link indicator; determining, via the server of the World Wide Web,
25 the next program element of the linear program of image elements, based on the linear program of
26 image elements and further based on the selected one of, the first image element, the second image
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1 element or the third image element; transmitting, via the server of the World Wide Web, fifth data for
2 display on the display screen of the client device associated with the user, the fifth data including the
3 next program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

4 175. When placed into operation by Defendant or its end users, Google Images infringes
5 claim 5 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the
6 server of the World Wide Web, fourth data from the client device associated with the user indicating a
7 search query; and wherein the first image element, the second image element and the third image
8 element, are selected based on the search query. *See* Ex. I-1, Figs. 1-38.

9 176. When placed into operation by Defendant or its end users, Google Images infringes
10 claim 6 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the
11 server of the World Wide Web, fourth data from the client device associated with the user indicating a
12 sequential selection by the user of the forward link indicator; and sequentially navigating, via the server
13 of the World Wide Web, the linear program of image elements in a forward order in response to the
14 fourth data. *See* Ex. I-1, Figs. 1-38.

15 177. When placed into operation by Defendant or its end users, Google Images infringes
16 claim 7 of the '575 Patent. It performs the method of claim 6 wherein sequentially navigating the linear
17 program of image elements in the forward order includes sequentially transmitting, for display on the
18 display screen of the client device associated with the user, fifth data successive ones of the linear
19 program of image elements in the forward order. *See* Ex. I-1, Figs. 1-38.

20 178. When placed into operation by Defendant or its end users, Google Images infringes
21 claim 8 of the '575 Patent. It performs the method of claim 1 further comprising: transmitting, via the
22 server of the World Wide Web, fourth data for display on the display screen of the client device
23 associated with the user, the fourth data including a backward link indicator that selects a previous
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1 program element of the linear program of image elements; receiving, fifth data from the client device
2 associated with the user indicating a sequential selection by the user of the backward link indicator;
3 and sequentially navigating the linear program of image elements in a backward order in response to
4 the fifth data. *See* Ex. I-1, Figs. 1-38.

5
6 179. When placed into operation by Defendant or its end users, Google Images infringes
7 claim 9 of the '575 Patent. It performs the method of claim 8 wherein sequentially navigating the linear
8 program of image elements in the backward order includes sequentially transmitting, for display on the
9 display screen of the client device associated with the user, fifth data successive ones of the linear
10 program of image elements in the backward order. *See* Ex. I-1, Figs. 1-38.

11
12 180. When placed into operation by Defendant or its end users, Google Images infringes
13 claim 11 of the '575 Patent. It performs a method of presenting a linear program of image elements,
14 the method comprising: associating, via a server of a World Wide Web including a memory and a
15 processor, a first image element, a second image element and a third image element in a linearly linked
16 fashion to produce the linear program of image elements; transmitting, via the server of the World
17 Wide Web, first data for display on a display screen of a client device associated with a user, the first
18 data including a plurality of indicators, each of the plurality of indicators representing a corresponding
19 one of the first image element, the second image element and the third image element, wherein each of
20 the plurality of indicators includes at least one of: text, an icon, the first image element, the second
21 image element or the third image element; receiving, via the server of the World Wide Web, second
22 data from the client device associated with the user indicating a selection by the user of one of the
23 plurality of indicators representing a selected one of, the first image element, the second image element
24 or the third image element; and transmitting, via the server of the World Wide Web, third data for
25 display on the display screen of the client device associated with the user, the third data including a
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1 forward link indicator that facilitates automatic selection of a next program element of the linear
2 program of image elements; and wherein the first image element, the second image element and the
3 third image element are stored on the server of the World Wide Web and wherein the selected one of,
4 the first image element, the second image element or the third image element is transmitted, via the
5 server of the World Wide Web, to the client device associated with the user. *See* Ex. I-1, Figs. 1-38.
6

7 181. When placed into operation by Defendant or its end users, Google Images infringes
8 claim 12 of the '575 Patent. It performs the method of claim 11 further comprising: transmitting, via
9 the server of the World Wide Web, fourth data for display on the display screen of the client device
10 associated with the user, the fourth data including a backward link indicator that selects a previous
11 program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.
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13 182. When placed into operation by Defendant or its end users, Google Images infringes
14 claim 13 of the '575 Patent. It performs the method of claim 12 further comprising: receiving, via the
15 server of the World Wide Web, fifth data from the client device associated with the user indicating a
16 selection by the user of the backward link indicator; determining, via the server of the World Wide
17 Web, the previous program element of the linear program of image elements, based on the linear
18 program of image elements and further based on the selected one of, the first image element, the second
19 image element or the third image element; transmitting, via the server of the World Wide Web, sixth
20 data for display on the display screen of the client device associated with the user, the sixth data
21 including the previous program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-
22 38.
23

24 183. When placed into operation by Defendant or its end users, Google Images infringes
25 claim 14 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via the
26 server of the World Wide Web, fourth data from the client device associated with the user indicating a
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1 selection by the user of the forward link indicator; determining, via the server of the World Wide Web,
2 the next program element of the linear program of image elements, based on the linear program of
3 image elements and further based on the selected one of, the first image element, the second image
4 element or the third image element; transmitting, via the server of the World Wide Web, fifth data for
5 display on the display screen of the client device associated with the user, the fifth data including the
6 next program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

8 184. When placed into operation by Defendant or its end users, Google Images infringes
9 claim 15 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via the
10 server of the World Wide Web, fourth data from the client device associated with the user indicating a
11 search query; and wherein the first image element, the second image element and the third image
12 element, are selected based on the search query. *See* Ex. I-1, Figs. 1-38.

14 185. When placed into operation by Defendant or its end users, Google Images infringes
15 claim 16 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via the
16 server of the World Wide Web, fourth data from the client device associated with the user indicating a
17 sequential selection by the user of the forward link indicator; and sequentially navigating, via the server
18 of the World Wide Web, the linear program of image elements in a forward order in response to the
19 fourth data. *See* Ex. I-1, Figs. 1-38.

21 186. When placed into operation by Defendant or its end users, Google Images infringes
22 claim 17 of the '575 Patent. It performs the method of claim 16 wherein sequentially navigating the
23 linear program of image elements in the forward order includes sequentially transmitting, for display
24 on the display screen of the client device associated with the user, fifth data successive ones of the
25 linear program of image elements in the forward order. *See* Ex. I-1, Figs. 1-38.

1 187. When placed into operation by Defendant or its end users, Google Images infringes
2 claim 18 of the '575 Patent. It performs the method of claim 11 further comprising: transmitting, via
3 the server of the World Wide Web, fourth data for display on the display screen of the client device
4 associated with the user, the fourth data including a backward link indicator that selects a previous
5 program element of the linear program of image elements; receiving, fifth data from the client device
6 associated with the user indicating a sequential selection by the user of the backward link indicator;
7 and sequentially navigating the linear program of image elements in a backward order in response to
8 the fifth data. *See* Ex. I-1, Figs. 1-38.

9
10 188. When placed into operation by Defendant or its end users, Google Images infringes
11 claim 19 of the '575 Patent. It performs the method of claim 18 wherein sequentially navigating the
12 linear program of image elements in the backward order includes sequentially transmitting, for display
13 on the display screen of the client device associated with the user, fifth data successive ones of the
14 linear program of image elements in the backward order. *See* Ex. I-1, Figs. 1-38.

15
16 189. When placed into operation by Defendant or its end users, Google Images infringes
17 claim 20 of the '575 Patent. It performs a method of presenting a linear program of image elements,
18 the method comprising: receiving, via a server of a World Wide Web including a processor and a
19 memory fourth data from a client device associated with a user indicating a search query; selecting, via
20 the server of the World Wide Web and responsive to the search query, a plurality of image elements
21 including a first image element a second image element and a third image element; associating, via the
22 server of the World Wide Web, the plurality of image elements in a linearly linked fashion to produce
23 the linear program of image elements; transmitting, via the server of the World Wide Web, first data
24 for display in a map area of a display screen of the client device associated with the user, the first data
25 including a plurality of indicators, each of the plurality of indicators representing a corresponding one
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1 of the first image element, the second image element and the third image element; transmitting via the
2 server of the World Wide Web and for display on the display screen of the client device associated
3 with the user, second data including a forward link indicator that facilitates automatic selection a next
4 program element of the linear program of image elements; and receiving, via the server of the World
5 Wide Web, third data from the client device associated with the user indicating a selection by the user
6 of one of the plurality of indicators representing a selected one of, the first image element, the second
7 image element or the third image element; wherein the plurality of image elements are stored on the
8 server of the World Wide Web and wherein the selected one of, the first image element, the second
9 image element or the third image element is transmitted, via the server of the World Wide Web, to the
10 client device associated with the user. *See* Ex. I-1, Figs. 1-38.

11
12
13 190. As a result of Defendant's infringement of the '575 Patent, Hypermedia has suffered
14 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
15 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
16 invention by Defendant, together with interest and costs as fixed by the court.

17
18 **COUNT X**
INFRINGEMENT OF U.S. PATENT NO. 6,779,026

19
20 191. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
21 offers for sale products and/or systems (*i.e.*, the Google App) that infringes the claims of the '026
22 Patent.

23 192. Upon information and belief, Defendant has been and is now infringing claims 7 and 10
24 of the '026 Patent in the State of California, in this Judicial District, and elsewhere in the United States,
25 by, among other things, directly or through intermediaries, making, using, importing, providing, selling
26 and/or offering for Google Images, covered by one or more claims of the '026 Patent to the injury of
27 Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '026 Patent
28

1 under the doctrine of equivalents. Defendant is thus liable for infringement of the '026 Patent pursuant
2 to 35 U.S.C. § 271(a).

3 193. When placed into operation by Defendant or its end users, the Google App infringes
4 claim 7 of the '026 Patent. It performs a method of creating a linear Web tour comprising a linear
5 linked-sequence of program elements on the World-Wide Web, the World-Wide Web including a
6 plurality of websites at respective remote information nodes, each website having a plurality of
7 individual media elements, the method comprising: selecting a first base media element corresponding
8 to a Web page of a first website; selecting a second base media element corresponding to a Web page
9 of a second website; and creating an exclusive forward link from the first base media element to the
10 second base media element, wherein the linear linked-sequence of program elements includes the first
11 base media element and the second base media element. *See* Ex. J-1, Figs. 1-5.

12
13
14 194. When placed into operation by Defendant or its end users, the Google App infringes
15 claim 10 of the '026 Patent. It performs a method of claim 7 further comprising: assigning the first
16 base media element to a first program element of the linear linked-sequence of program elements. *See*
17 Ex. J-1, Figs. 1-5.

18
19 195. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered
20 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
21 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
22 invention by Defendant, together with interest and costs as fixed by the court.

23
24 **COUNT XI**
INFRINGEMENT OF U.S. PATENT NO. 9,990,174

25 196. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
26 offers for sale products and/or systems (*i.e.*, YouTube) that infringes the claims of the '174 Patent.
27
28

1 197. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3,
2 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '174 Patent in the State of California,
3 in this Judicial District, and elsewhere in the United States, by, among other things, directly or through
4 intermediaries, making, using, importing, providing, selling and/or offering for Google Images,
5 covered by one or more claims of the '174 Patent to the injury of Hypermedia. Defendant is directly
6 infringing, literally infringing, and/or infringing the '174 Patent under the doctrine of equivalents.
7 Defendant is thus liable for infringement of the '174 Patent pursuant to 35 U.S.C. § 271(a).
8

9 198. When placed into operation by Defendant or its end users, YouTube infringes claim 1
10 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method
11 comprising: receiving, via a server of a World Wide Web including a processor and a memory, search
12 data indicating search criteria associated with video content; wherein the server of the World Wide
13 Web responds to the search criteria by: selecting, via the server of the World Wide Web, a first video
14 element; selecting, via the server of the World Wide Web, a second video element; selecting, via the
15 server of the World Wide Web, a third video element; associating, via the server of the World Wide
16 Web, the first video element, the second video element and the third video element along with other
17 video elements in a linearly linked fashion to produce the linear program of video elements;
18 transmitting, via the server of the World Wide Web, first data for display in a map area of a display
19 screen of a client device associated with a user, the first data including a plurality of indicators, each
20 of the plurality of indicators representing a corresponding one of the first video element, the second
21 video element and the third video element; and transmitting via the server of the World Wide Web and
22 for display on the display screen of the client device associated with the user, second data including a
23 forward link indicator; receiving, via the server of the World Wide Web, third data from the client
24 device associated with the user indicating a selection of the forward link indicator; updating, via the
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1 server of the World Wide Web, the first data to form updated first data for display in the map area in
2 response to selection of the forward link indicator; and receiving, via the server of the World Wide
3 Web, fourth data from the client device associated with the user indicating a selection by the user of
4 one of the plurality of indicators representing a selected one of, the first video element, the second
5 video element or the third video element; wherein the first video element, the second video element
6 and the third video element are stored on the server of the World Wide Web and wherein the selected
7 one of, the first video element, the second video element or the third video element is transmitted, via
8 the server of the World Wide Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-
9 22.
10

11
12 199. When placed into operation by Defendant or its end users, YouTube infringes claim 2
13 of the '174 Patent. It performs the method of claim 1 further comprising: transmitting, via the server
14 of the World Wide Web, fifth data for display on the display screen of the client device associated with
15 the user, the fifth data including a backward link indicator that selects a previous program element of
16 the linear program of video elements. *See* Ex. K-1, Figs. 1-22.
17

18
19 200. When placed into operation by Defendant or its end users, YouTube infringes claim 3
20 of the '174 Patent. It performs the method of claim 2 further comprising: receiving, via the server of
21 the World Wide Web, sixth data from the client device associated with the user indicating a selection
22 of the backward link indicator; and updating, via the server of the World Wide Web, the first data for
23 display in the map area in response to selection of the backward link indicator. *See* Ex. K-1, Figs. 1-
24 22.

25
26 201. When placed into operation by Defendant or its end users, YouTube infringes claim 4
27 of the '174 Patent. It performs the method of claim 1 further comprising: determining, via the server
28 of the World Wide Web and in response to the third data, a next program element of the linear program

1 of video elements, based on the linear program of video elements and further based on the selected one
2 of, the first video element, the second video element or the third video element; transmitting, via the
3 server of the World Wide Web, fifth data for display on the display screen of the client device
4 associated with the user, the fifth data including the next program element of the linear program of
5 video elements. *See Ex. K-1, Figs. 1-22.*

6
7 202. When placed into operation by Defendant or its end users, YouTube infringes claim 5
8 of the '174 Patent. It performs the method of claim 1 wherein the search criteria designates a file
9 information content. *See Ex. K-1, Figs. 1-22.*

10
11 203. When placed into operation by Defendant or its end users, YouTube infringes claim 6
12 of the '174 Patent. It performs the method of claim 1 further comprising: receiving, via the server of
13 the World Wide Web, fifth data from the client device associated with the user indicating a sequential
14 selection by the user of the forward link indicator; and repeatedly navigating, via the server of the
15 World Wide Web, the linear program of video elements in a forward order in response to the fifth data.
16 *See Ex. K-1, Figs. 1-22.*

17
18 204. When placed into operation by Defendant or its end users, YouTube infringes claim 7
19 of the '174 Patent. It performs the method of claim 6 wherein repeatedly navigating the linear program
20 of video elements in the forward order includes sequentially transmitting, for display on the display
21 screen of the client device associated with the user, sixth data indicating additional ones of the linear
22 program of video elements in the forward order. *See Ex. K-1, Figs. 1-22.*

23
24 205. When placed into operation by Defendant or its end users, YouTube infringes claim 8
25 of the '174 Patent. It performs the method of claim 1 further comprising: receiving, fifth data from the
26 client device associated with the user indicating a sequential selection by the user of a backward link
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1 indicator; and repeatedly navigating the linear program of video elements in a backward order in
2 response to the fifth data. *See* Ex. K-1, Figs. 1-22.

3 206. When placed into operation by Defendant or its end users, YouTube infringes claim 9
4 of the '174 Patent. It performs the method of claim 8 wherein repeatedly navigating the linear program
5 of video elements in the backward order includes sequentially transmitting, for display on the display
6 screen of the client device associated with the user, fifth data successive ones of the linear program of
7 video elements in the backward order. *See* Ex. K-1, Figs. 1-22.

9 207. When placed into operation by Defendant or its end users, YouTube infringes claim 10
10 of the '174 Patent. It performs the method of claim 1 wherein the updated first data for display in the
11 map area of the display screen of the client device associated with the user includes an updated plurality
12 of indicators, wherein at least one of the updated plurality of indicators represents one of the other
13 video elements. *See* Ex. K-1, Figs. 1-22.

15 208. When placed into operation by Defendant or its end users, YouTube infringes claim 11
16 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method
17 comprising: receiving, via a server of a World Wide Web including a processor and a memory, search
18 data indicating search criteria associated with video content; wherein the server of the World Wide
19 Web responds to the search criteria by: selecting, via the server of the World Wide Web, a first video
20 element; selecting, via the server of the World Wide Web, a second video element; selecting, via the
21 server of the World Wide Web, a third video element; associating, via the server of the World Wide
22 Web, the first video element, the second video element and the third video element along with other
23 video elements in a linearly linked fashion to produce the linear program of video elements;
24 transmitting, via the server of the World Wide Web, first data for display in a map area of a display
25 screen of a client device associated with a user, the first data including a plurality of indicators, each
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1 of the plurality of indicators representing a corresponding one of the first video element, the second
2 video element and the third video element; and transmitting via the server of the World Wide Web and
3 for display on the display screen of the client device associated with the user, second data including a
4 forward link indicator; receiving, via the server of the World Wide Web, third data from the client
5 device associated with the user indicating a selection of the forward link indicator; updating, via the
6 server of the World Wide Web, the first data to form updated first data for display in the map area in
7 response to selection of the forward link indicator, wherein the updated first data for display in the map
8 area of the display screen of the client device associated with the user includes an updated plurality of
9 indicators, wherein at least one of the updated plurality of indicators represents one of the other video
10 elements; and receiving, via the server of the World Wide Web, fourth data from the client device
11 associated with the user indicating a selection by the user of one of the plurality of indicators
12 representing a selected one of, the first video element, the second video element or the third video
13 element; wherein the first video element, the second video element and the third video element are
14 stored on the server of the World Wide Web and wherein the selected one of, the first video element,
15 the second video element or the third video element is transmitted, via the server of the World Wide
16 Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

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19
20 209. When placed into operation by Defendant or its end users, YouTube infringes claim 12
21 of the '174 Patent. It performs the method of claim 11 further comprising: transmitting, via the server
22 of the World Wide Web, fifth data for display on the display screen of the client device associated with
23 the user, the fifth data including a backward link indicator that selects a previous program element of
24 the linear program of video elements. *See* Ex. K-1, Figs. 1-22.

25
26 210. When placed into operation by Defendant or its end users, YouTube infringes claim 13
27 of the '174 Patent. It performs the method of claim 12 further comprising: receiving, via the server of
28

1 the World Wide Web, sixth data from the client device associated with the user indicating a selection
2 of the backward link indicator; and updating, via the server of the World Wide Web, the first data for
3 display in the map area in response to selection of the backward link indicator. *See* Ex. K-1, Figs. 1-
4 22.

5
6 211. When placed into operation by Defendant or its end users, YouTube infringes claim 14
7 of the '174 Patent. It performs the method of claim 11 further comprising: determining, via the server
8 of the World Wide Web and in response to the third data, a next program element of the linear program
9 of video elements, based on the linear program of video elements and further based on the selected one
10 of, the first video element, the second video element or the third video element; transmitting, via the
11 server of the World Wide Web, fifth data for display on the display screen of the client device
12 associated with the user, the fifth data including the next program element of the linear program of
13 video elements. *See* Ex. K-1, Figs. 1-22.

14
15 212. When placed into operation by Defendant or its end users, YouTube infringes claim 15
16 of the '174 Patent. It performs the method of claim 11 wherein the search criteria designates a file
17 information content. *See* Ex. K-1, Figs. 1-22.

18
19 213. When placed into operation by Defendant or its end users, YouTube infringes claim 16
20 of the '174 Patent. It performs the method of claim 11 further comprising: receiving, via the server of
21 the World Wide Web, fifth data from the client device associated with the user indicating a sequential
22 selection by the user of the forward link indicator; and repeatedly navigating, via the server of the
23 World Wide Web, the linear program of video elements in a forward order in response to the fifth data.
24 *See* Ex. K-1, Figs. 1-22.

25
26 214. When placed into operation by Defendant or its end users, YouTube infringes claim 17
27 of the '174 Patent. It performs the method of claim 16 wherein repeatedly navigating the linear
28

1 program of video elements in the forward order includes sequentially transmitting, for display on the
2 display screen of the client device associated with the user, sixth data indicating additional ones of the
3 linear program of video elements in the forward order. *See* Ex. K-1, Figs. 1-22.

4 215. When placed into operation by Defendant or its end users, YouTube infringes claim 18
5 of the '174 Patent. It performs the method of claim 11 further comprising: receiving, fifth data from
6 the client device associated with the user indicating a sequential selection by the user of a backward
7 link indicator; and repeatedly navigating the linear program of video elements in a backward order in
8 response to the fifth data. *See* Ex. K-1, Figs. 1-22.

9 216. When placed into operation by Defendant or its end users, YouTube infringes claim 19
10 of the '174 Patent. It performs the method of claim 18 wherein repeatedly navigating the linear
11 program of video elements in the backward order includes sequentially transmitting, for display on the
12 display screen of the client device associated with the user, fifth data successive ones of the linear
13 program of video elements in the backward order. *See* Ex. K-1, Figs. 1-22.

14 217. When placed into operation by Defendant or its end users, YouTube infringes claim 20
15 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method
16 comprising: receiving, via a server of a World Wide Web including a processor and a memory, search
17 data indicating search criteria associated with video content; wherein the server of the World Wide
18 Web responds to the search criteria by: selecting, via the server of the World Wide Web, a first video
19 element; selecting, via the server of the World Wide Web, a second video element; selecting, via the
20 server of the World Wide Web, a third video element; associating, via the server of the World Wide
21 Web, the first video element, the second video element and the third video element along with other
22 video elements in a linearly linked fashion to produce the linear program of video elements; and
23 transmitting, via the server of the World Wide Web, first data for display in a map area of a display
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1 screen of a client device associated with a user, the first data including a plurality of indicators, each
2 of the plurality of indicators representing a corresponding one of the first video element, the second
3 video element and the third video element; updating, via the server of the World Wide Web, the first
4 data to form updated first data for display in the map area, wherein the updated first data for display in
5 the map area of the display screen of the client device associated with the user includes an updated
6 plurality of indicators, wherein at least one of the updated plurality of indicators represents one of the
7 other video elements; and receiving, via the server of the World Wide Web, fourth data from the client
8 device associated with the user indicating a selection by the user of one of the plurality of indicators
9 representing a selected one of, the first video element, the second video element or the third video
10 element; wherein the first video element, the second video element and the third video element are
11 stored on the server of the World Wide Web and wherein the selected one of, the first video element,
12 the second video element or the third video element is transmitted, via the server of the World Wide
13 Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

14
15
16 218. As a result of Defendant's infringement of the '174 Patent, Hypermedia has suffered
17 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
18 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
19 invention by Defendant, together with interest and costs as fixed by the court.
20

21
22 **COUNT XII**
INDUCED INFRINGEMENT

23 219. Upon information and belief, Defendant has been and is now inducing the infringement
24 by its end users of the claims 1, 5, 8, 10, 11, 14, and 17 of the '323 Patent; claims 1, 2, 10, and 11 of
25 the '324 Patent; claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the '523 Patent; claims 1, 2, 3, 4, 7, 9, 10,
26 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 41, 44, 48, and 49 of the '144 Patent; claims 1, 4, 7,
27 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 Patent; claims 1, 2, 5, 6, 12, 13, 15, 16, 17, 18,
28

1 21, 22, 23, 24, and 25 of the '173 Patent; claim 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
2 18, 20, 21, 22, 23, and 24 of the '672 Patent; and claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
3 17, 18, and 20 of the '814 Patent (collectively, the "Inducement Claims") in the State of California, in
4 this Judicial District, and elsewhere in the United States by, among other things, making, using, selling,
5 and/or offering for sale the Accused Instrumentalities to the injury of Plaintiff. Defendant's end users
6 are directly infringing, literally infringing, and/or infringing the Inducement Claims under the doctrine
7 of equivalents. Defendant is thus liable for infringement of the Inducement Claims pursuant to 35
8 U.S.C. § 271(b).

9
10 220. As shown above, Defendant has had knowledge of at least the '323, '324, '523, '672,
11 '830, '173, and '144 Patents as well as the pending '814 Patent since at least as early as August 21,
12 2017.

13
14 221. By advertising, selling, instruction and providing YouTube, Google Play Music, Google
15 Video, Google Play Movies, and Android TV ("Accused Products") to end users wherein the Accused
16 Products infringe upon ordinary use by an end user, Defendant specifically intended to induce
17 infringement. Furthermore, Defendant remains aware that these normal and customary activities would
18 infringe the Inducement Claims. Defendant has had knowledge of the Hypermedia Patents since
19 August 21, 2017, and actually induces others, such end-use customers, to directly infringe by using,
20 selling, supplying, and or distributing the Accused Instrumentality within the United States. Defendant
21 is aware since at least August 21, 2017, that such actions would induce actual infringement

22
23 222. As shown above, Defendant have and continues to directly infringe the Inducement
24 Claims by its end users in accordance with 35 U.S.C. § 271(b).

25
26 223. As shown above, Defendant and its end users have engaged in and currently engage in
27 activities that constitute direct infringement of the Inducement Claims.
28

1 224. As shown above, the operation and use by Defendant or its end users of the Accused
2 Instrumentalities constitutes direct infringement of the Inducement Claims.

3 225. Defendant's affirmative act of selling and/or offering for sale the Accused
4 Instrumentalities and providing instruction, advertisement of the infringing features, and support for
5 the Accused Instrumentalities have induced and continues to induce Defendant's end users to use the
6 Accused Instrumentalities in its normal and customary way to infringe the Inducement Claims.

7 226. Additionally, for example, in connection with the sale and/or offering for sale of the
8 Accused Instrumentalities, Defendant provides instructions and support to resellers and end-use
9 customers regarding the user and operation of the Accused Instrumentalities. Specifically, Defendant
10 provides instructions on using YouTube which leads to infringement by end-users. *See e.g.*
11 https://support.google.com/youtube/answer/2398242?hl=en&ref_topic=4489102;
12 <https://support.google.com/youtube/answer/92651?hl=en> (“Up Next” Videos);
13 <https://support.google.com/youtube/answer/6327615?hl=en&co=GENIE.Platform=Desktop>
14 (“Autoplay Videos”). When end-users follow such instructions and support, they directly infringe the
15 Inducement Claims. Defendant knows or should have known that by providing such instructs and
16 support, resellers and end-use customers follow these instructions and support and directly infringe the
17 Inducement Claims. Defendant knows or should have known that by providing such instructs and
18 support, resellers and end-use customers follow these instructions and support and directly infringe the
19 Inducement Claims.

20 227. Additionally, Defendant provides instructions on using the Accused Instrumentalities
21 which leads to infringement by end-users. *See e.g.*
22 https://support.google.com/youtube/answer/2398242?hl=en&ref_topic=4489102;
23 <https://support.google.com/youtube/answer/92651?hl=en> (“Up Next” Videos);
24 <https://support.google.com/youtube/answer/6327615?hl=en&co=GENIE.Platform=Desktop>
25 (“Autoplay Videos”). When end-users follow such instructions and support, they directly infringe the
26 Inducement Claims. Defendant knows or should have known that by providing such instructs and
27 support, resellers and end-use customers follow these instructions and support and directly infringe the
28 Inducement Claims.

1 Inducement Claims. Defendant knows or should have known that by providing such instructs and
2 support, resellers and end-use customers follow these instructions and support and directly infringe the
3 Inducement Claims.

4 228. Accordingly, Defendant has performed and continues to perform acts that constitute
5 indirect infringement, and would induce actual infringement, with the knowledge of the Inducement
6 Claims and with the knowledge or willful blindness to the fact that the induced acts would constitute
7 infringement.
8

9
10 **COUNT XIII**
WILLFUL INFRINGEMENT

11 229. Defendant has willfully infringed the '323, '324, '523, '672, '830, '173, and '144
12 Patents, in connection with the Accused Instrumentalities.

13 230. Defendant's conduct in making, using, selling, offering to sell and/or importing the
14 Accused Instrumentalities directly infringes multiple claims of the '323, '324, '523, '672, '830, '173,
15 and '144 Patents pursuant to 35 U.S.C. § 271(a).
16

17 231. Defendant had knowledge of the '323, '324, '523, '672, '830, '173, and '144 Patents
18 and of the fact that the Accused Instrumentalities were made or adapted for use in infringement of the
19 '323, '324, '523, '672, '830, '173, and '144 Patents.
20

21 232. Defendant had knowledge of the '323, '324, '523, '672, '830, '173, and '144 Patents.
22 Defendant failed to provide any material, description, reasoning, or evidence of non-infringement or
23 invalidity of the Presented Patents. Defendant's conduct is egregious as it continued offering, selling,
24 making and using the Accused Instrumentalities despite knowledge of the infringement. Accordingly,
25 Defendant's infringement is and has been willful, wanton, malicious, bad-faith, deliberate, consciously
26 wrongful, and fragrant. Thus, Hypermedia sues for willful infringement of the Presented Patents.
27
28

NI, WANG & MASSAND, PLLC

1
2 Dated: December 9, 2018

By: /s/ Hao Ni
HAO NI

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

5
6
7 **CERTIFICATE OF SERVICE**

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

11 /s/ Hao Ni
12 Hao Ni