

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

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

TRAPELO CORP.,

Defendant.

CIVIL ACTION NO. 1:19-cv-00535

PATENT CASE

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff CoolTVNetwork.com, Inc. ("Plaintiff"), by and through its undersigned counsel, files this First Amended Complaint against Defendant Trapelo Corp. ("Defendant") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of United States Patent No. 7,162,696 ("the '696 patent") entitled "Method and System for Creating, Using and Modifying Multifunctional Website Hot Spots". A true and correct copy of the '696 patent is attached hereto as Exhibit A. Plaintiff is the owner by assignment of the '696 patent. Plaintiff seeks monetary damages and injunctive relief.

PARTIES

2. Plaintiff is a corporation having a principal place of business located at 17731 N.W. 14th CT. Miami, Florida 33169.

3. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 745 Atlantic Ave, Boston, MA 02111. Defendant can be served with process by serving United States Corporation Agents Inc. 300 Delaware Ave. STE 210-A Wilmington, DE 19801.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

5. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Defendant because Defendant is present within or has minimum contacts within the State of Delaware and the District of Delaware; Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in the District of Delaware; Defendant has sought protection and benefit from the laws of the State of Delaware; Defendant regularly conducts business within the State of Delaware and within the District of Delaware; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and in the District of Delaware. Further, this Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

7. More specifically, Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Delaware, and the District of Delaware including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, Defendant has committed patent infringement in the State of Delaware and in the District of Delaware. Defendant solicits and has solicited customers in the State of Delaware and in the District of Delaware. Defendant has paying customers who are residents of the State of Delaware and the District of Delaware and who each use and have used the Defendant's products and services in the State of Delaware and in the District of Delaware.

8. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1400(b). On information and belief, Defendant is incorporated in this district and has directly and/or indirectly committed acts of patent infringement in this district.

COUNT I – PATENT INFRINGEMENT

9. Plaintiff refers to and incorporates herein the allegations of Paragraphs 1-8 above.

10. The ‘696 patent was duly and legally issued by the United States Patent and Trademark Office on January 9, 2007 after full and fair examination. Plaintiff is the owner by assignment of the ‘696 patent and possesses all rights of recovery under the ‘696 patent, including the exclusive right to sue for infringement and recover past damages and obtain injunctive relief.

11. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides systems, methods and apparatus that infringe the ‘696 patent. The ‘696 patent provides, among other things, “a Multifunctional Hot Spot method comprising: defining at least one hot spot by a communication with instructions stored on a tangible retaining medium; accessing at least one of the hot spots from a globally accessible network; performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot; wherein said hot spots reside on and are accessible from a digital video or audio file; wherein said predetermined functions are selected from a mode control; wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode; wherein a specific mode is selected by a user through an expandable graphical user interface bar; wherein said specific mode further toggles based on time stamps in said digital video or digital audio file; wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display; wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing

system; selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.”

12. Defendant has been and is now infringing the ‘696 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, testing, providing, supplying, distributing, selling, and/or offering for sale systems, methods and apparatus (including, without limitation, the Defendant’s products including Hapyak Interactive Video and related functionality identified herein as the “Accused Instrumentality”) that provide a methods, apparatus and systems for creating, using and modifying multifunctional website hotspots including software that identifies, programs and activates hot spots with a plurality of functions wherein the functions include a shopping mode for selecting and purchasing items on a website or in a video, a digital call mode for facilitating videoconferencing and telephone calls over a globally accessible network, a digital storage area for selecting, retrieving and playing selected digital media files, a bid mode that facilitates audio and video communication during multi-task communication interface for conducting an auction and/or accepting bids, an interact mode for communicating a user with a live streamed digital media file, a link mode for directly linking to pre-identified URL addresses and an entertain mode for retrieving and activating digital media files, wherein the functions are selected based on user inputs or predetermined parameters and are activated by clicking a predetermined hot spot, covered by at least claim 17 of the ‘696 patent to the injury of CoolTVNetwork.com, Inc. Defendant is directly infringing, literally infringing, and/or infringing the ‘696 patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ‘696 patent pursuant to 35 U.S.C. § 271.

13. Defendant has induced and continues to induce infringement of the '696 patent by intending that others use, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '696 patent, including, but not limited to, methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots. Defendant provides these products to others, such as customers, resellers and end-use consumers who, in turn, use, offer for sale, or sell in the United States these methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots that infringe one or more claims of the '696 patent.

14. Defendant indirectly infringes the '696 patent by inducing infringement by others, such as resellers, customers and end-use consumers, in accordance with 35 U.S.C. § 271(b) in this District and elsewhere in the United States. Direct infringement is a result of the activities performed by the resellers, customers and end-use consumers of the mobile banking functionality, including methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots.

15. Defendant received notice of the '696 patent at least as of the date this lawsuit was filed.

16. Defendant affirmative acts of providing and/or selling the methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots, including manufacturing and distributing, and providing instructions for using the methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots in their normal and customary way to infringe one or more claims of the '696 patent. Defendant performs the acts that constitute induced infringement, and induce actual infringement, with the knowledge of the '696 patent and with the knowledge or willful blindness that the induced acts constitute

infringement.

17. Defendant specifically intends for others, such as resellers, customers and end-use consumers, to directly infringe one or more claims of the '696 patent, or, alternatively, has been willfully blind to the possibility that its inducing acts would cause infringement. By way of example, and not as limitation, Defendant induces such infringement by its affirmative action by, among other things: (a) providing advertising on the benefits of using the Accused Instrumentalities' functionality; (b) providing information regarding how to use the Accused Instrumentalities' functionality; (c) providing instruction on how to use the Accused Instrumentalities' functionality; and (d) providing hardware and/or software components required to infringe the claims of the '696 patent.

18. Accordingly, a reasonable inference is that Defendant specifically intends for others, such as resellers, customers and end-use consumers, to directly infringe one or more claims of the '696 patent in the United States because Defendant has knowledge of the '696 patent at least as of the date this lawsuit was filed and Defendant actually induces others, such as resellers, customers and end-use consumers, to directly infringe the '696 patent by using, selling, and/or distributing, within the United States, methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots.

19. As a result of Defendant acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial.

20. Defendant continues advising, encouraging, or otherwise inducing others to use the systems, methods, and apparatus claimed by the '696 patent to the injury of Plaintiff. Since at least the filing date of the Original Complaint, Defendant has had knowledge of the '696 patent, and by continuing the actions described above, has specific intent to induce infringement of the

'696 patent pursuant to 35 U.S.C. § 271(b), and has further contributed to said infringement of the '696 patent by their customers by providing them with the Accused Instrumentalities so that their customers could directly infringe the '696 patent.

21. Claim 17 of the '696 patent, claims:

A Multifunctional Hot Spot method comprising:

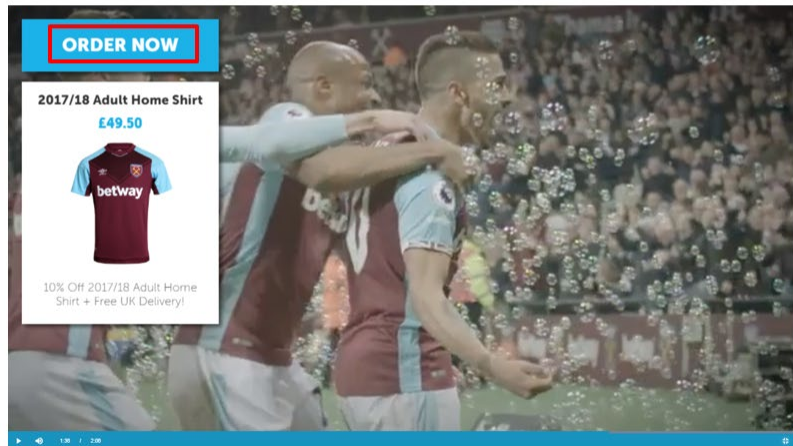
The screenshot displays the HapYak SaaS platform interface. On the left, a video player shows a 'CHAPTER MENU' with a 'Report & Download' button highlighted in a red box. Below the video, a 'KONICA MINOLTA' logo is visible, along with 'Categories: Marketing' and 'Featured Annotations' including 'CHAPTERS', 'FORM', 'PERSONALIZATION', 'QUIZ', and 'CALL TO ACTION'. A PDF icon is also highlighted in a red box. On the right, a grid of features is listed: Chapters, Quizzes, Links, Custom Forms, Branching, Slide Sync, Lessons, Templates, Personalization, Add to Cart, User Sentiment, and And more... Each feature includes a brief description and a red underlined link to a source page. The source for the entire page is listed as <https://corp.hapyak.com/>.

defining at least one hot spot by a communication with instructions stored on a tangible retaining medium;

Instructions are accessed or stored by a device memory(RAM).

- **Shoppable eCommerce Video:** Monetize brand interactions by crafting shoppable narratives and interactive product pages that push customers to purchase wherever they are: laptop, tablet, or mobile devices.

SOURCE: <https://corp.hapyak.com/>



SOURCE: <https://corp.hapyak.com/resources/west-ham-united/>

accessing at least one of the hot spots from a globally accessible network;

HTML 5 is a software solution stack that defines the properties and behaviors of web page content by implementing a markup based pattern to it and is accessible by internet.

About HapYak Interactive Video

Whether your business needs one compelling video or a thousand, HapYak's interactive video software is easy to use and brings new levels of insight to your video strategy. With a secure, HTML5 interactivity layer delivered from the cloud, HapYak SaaS platform works with any video player, on any device, to drive deeper user engagement.

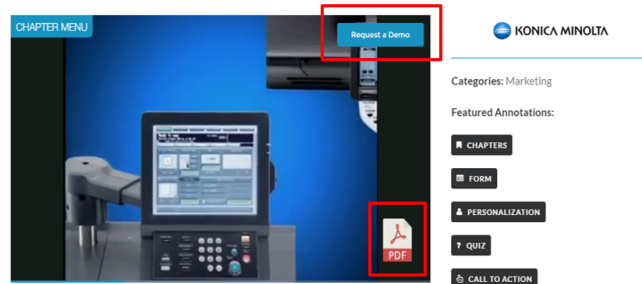
SOURCE: <https://corp.hapyak.com/company/>

The Most Flexible, Customizable Interactive Video Platform

Anyone can design highly engaging and relevant video experiences in minutes. Simple drag-and-drop tools let you add hotspots, links, overlays, chapters, calls to action, choose-your-own-adventure, shopping carts and more. Easily customize the look and feel to match your brand.

- Chapters**
Navigate to points in the video via a chapter menu
- Quizzes**
Embed quizzes and record response data for individual viewers
- Links**
Add clickable URLs and hotspots
- Custom Forms**
Collect leads and schedule appointments in-video for an uninterrupted experience
- Branching**
Link between videos to create a "choose-your-own-adventure" experience
- Slide Sync**
Add a slide deck to live or recorded video presentations
- Lessons**
Turn any video into an interactive lesson
- Templates**
Add annotations automatically at scale with tags
- Personalization**
Customize viewer experiences with information from multiple data sources
- Add to Cart**
Enable in-video purchases with shoppable, ecommerce experiences
- User Sentiment**
Gather feedback from audiences in real-time
- And more...**
With custom annotations, the possibilities are endless

SOURCE: <https://corp.hapyak.com/>

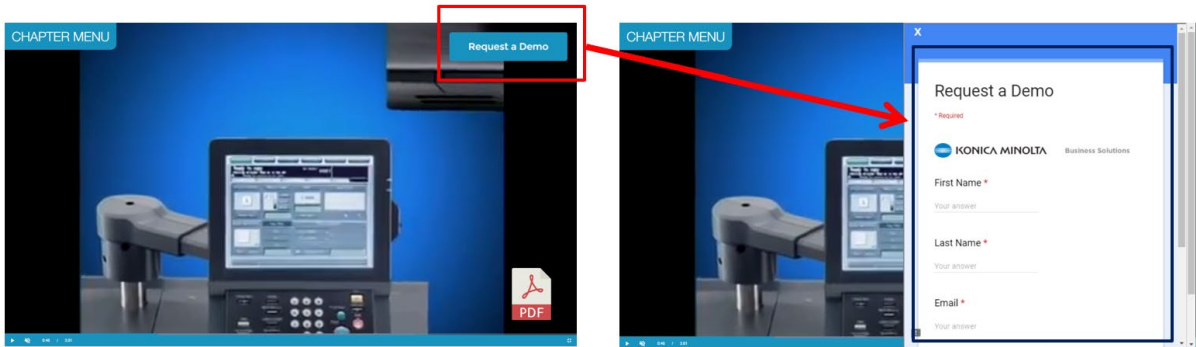


SOURCE: <https://corp.hapyak.com/resources/konica-minolta/>

performing at least one of a plurality of predetermined functions **executed with the selection of each particular hot spot;**

Custom Forms
Collect leads and schedule appointments in-video for an uninterrupted experience

SOURCE: <https://corp.hapyak.com/>

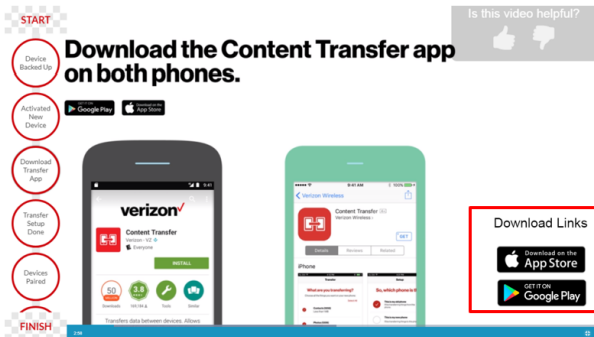


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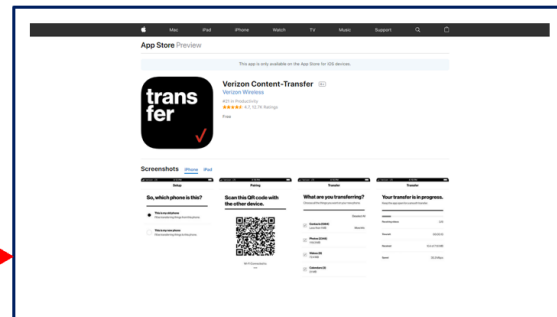
Make Any Video Interactive

- Links
- Add clickable URLs and hotspots
- Intuitive Visual Editor: Create stimulating, interactive experiences by adding links, chapters, quizzes, shopping carts, personalization, and more to video assets.

SOURCE: <https://corp.hapyak.com/>



SOURCE: <https://corp.hapyak.com/resources/verizon/>



SOURCE: <https://itunes.apple.com/us/app/content-transf/id1127930385?mt=8>

wherein said hot spots reside on and are accessible from a digital video or audio file;

Engaging Video Experiences Start Here

HapYak's SaaS platform provides the deepest data, easiest tools, and most flexible integration options for creating and measuring interactive video across your Enterprise organization.

The Most Flexible, Customizable Interactive Video Platform

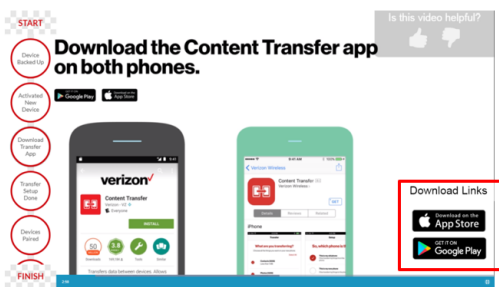
Anyone can design highly engaging and relevant video experiences in minutes. Simple drag-and-drop tools let you add hotspots, links, overlays, chapters, calls to action, choose-your-own-adventure, shopping carts and more. Easily customize the look and feel to match your brand.

SOURCE: <https://corp.hapyak.com/>

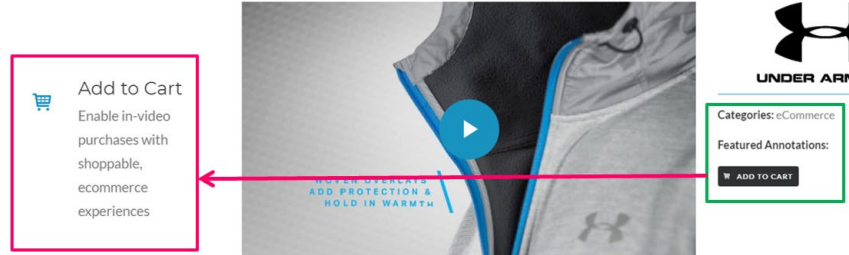
Make Any Video Interactive

- Intuitive Visual Editor: Create stimulating, interactive experiences by adding links, chapters, quizzes, shopping carts, personalization, and more to video assets.
- HTML 5 Video Layer: Add interactivity over existing video content without changing the original file.
- Customize Video Assets at Scale: Reduce video production costs and time by personalizing video assets cost-effectively.
- Publish Once, Update Often: Embed videos to your website or landing pages and interactive changes will automatically push to your published asset.
- OVP Compatible & Workflow Ready: Optimize your current tech stack with dozens of digital video integrations.

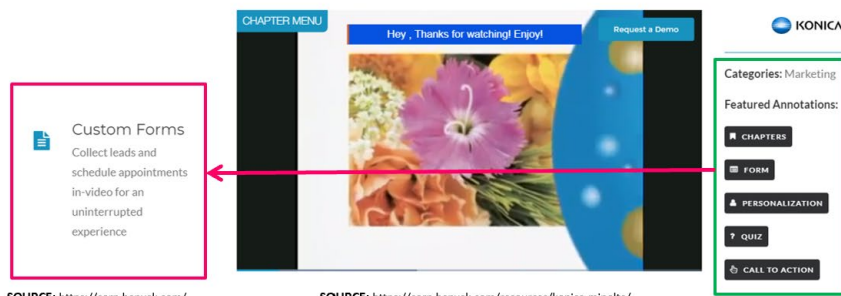
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SOURCE: <https://corp.hapyak.com/resources/verizon/>



SOURCE: <https://corp.hapyak.com/resources/under-armour/>




SOURCE: <https://corp.hapyak.com/resources/konica-minolta/>

wherein said predetermined functions are selected from a mode control;

Add to Cart
Enable in-video purchases with shoppable, ecommerce experiences

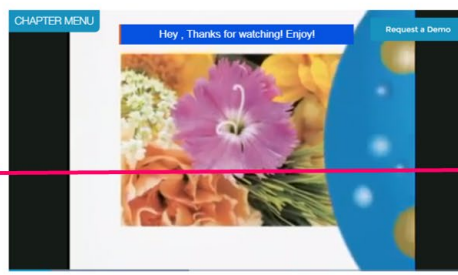
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Custom Forms
Collect leads and schedule appointments in-video for an uninterrupted experience

SOURCE: <https://corp.hapyak.com/>



SOURCE: <https://corp.hapyak.com/resources/konica-minolta/>

10

wherein the mode control comprises a plurality of modes;

UNDER ARMOUR
Categories: eCommerce
Featured Annotations:
ADD TO CART

verizon
Categories: Training & Education, Communications
Featured Annotations:
CHAPTERS
CALL TO ACTION
LINKS
CUSTOM

KONICA MINOLTA
Categories: Marketing
Featured Annotations:
CHAPTERS
FORM
PERSONALIZATION
QUIZ
CALL TO ACTION

SOURCE: <https://corp.hapyak.com/resources/under-armour/>

SOURCE: <https://corp.hapyak.com/resources/verizon/>

SOURCE: <https://corp.hapyak.com/resources/konica-minolta/>

wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

Download Links
Link Mode.

Shop Mode.

Categories: eCommerce
Featured Annotations:
ADD TO CART

Add to Cart
Enable in-video purchases with shoppable, ecommerce experiences

SOURCE: <https://corp.hapyak.com/resources/verizon/>

SOURCE: <https://corp.hapyak.com/resources/under-armour/>

SOURCE: <https://corp.hapyak.com/>

Interact Mode.

Request a Demo

Custom Forms
Collect leads and schedule appointments in-video for an uninterrupted experience

Make Any Video Interactive

- Intuitive Visual Editor: Create stimulating, interactive experiences by adding links, chapters, quizzes, shopping carts, personalization, and more to video assets.

SOURCE: <https://corp.hapyak.com/>

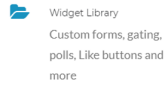
SOURCE: <https://corp.hapyak.com/resources/caterpillar/>

SOURCE: <https://corp.hapyak.com/resources/konica-minolta/>

SOURCE: <https://corp.hapyak.com/>

There are other valuable Interactions (adding chapters, branching, polls, lead generation forms, and more) and as these are adopted more widely by eLearning, Marketing and eCommerce video professionals, interactive videos will become even more pervasive.

SOURCE: <https://corp.hapyak.com/resources/how-pervasive-is-interactive-video/>



SOURCE: <https://corp.hapyak.com/platform/>

Adding an attractive and minimally distracting poll to your videos will give you and your viewers instant results that everyone can understand. How better to gauge a user's interest than to ask their opinion? Compare this with the viewer's view-time and interaction data for a much more thorough description of your customers' preferences and habits. A viewer who watches only 30 seconds but responds to a call-to-action may be far more satisfied than the viewer who finished the video and didn't find the answer they wanted.

SOURCE: <https://corp.hapyak.com/resources/customer-feedback-on-your-videos/>

4. Embed Technology - We have customers who use video to drive meetings or book demos. Integrate existing web forms and technology through iFrame annotations. This will make it more convenient for customers to book meetings and conduct other actions inside your videos. Other examples include shopping carts, calculators, polling, closed caption and more.

SOURCE: <https://corp.hapyak.com/resources/growing-interactive-video-in-your-organization/>



If Your Business Needs Video, Your Video Needs HapYak.

Enterprise businesses rely on video and video data.

HapYak is used by companies worldwide for internal communications, sales, support, and marketing. Our interactive video plan provides Enterprise scale, security, integrations, and extensibility.

Platform Capabilities

- ✓ Overlays, HotSpots, Links, Chapters
- ✓ Quizzes, Polls, User Sentiment Widgets
- ✓ Calls-to-Action, Lead Forms, Personalization
- ✓ "Choose-Your-Own-Adventure" and Branching
- ✓ Synchronized Video and Slide Presentations
- ✓ Customizable, On-Brand Elements and Templates
- ✓ VOD and Livestream Video Support
- ✓ MAP/CRM/LMS/Analytics Integrations
- ✓ OVP and Video Hosting Services Compatible/Compatibility
- ✓ Extension and Integration APIs
- ✓ Role-based User Management
- ✓ High Capacity and High Security
- ✓ Onboarding and Success Management
- ✓ Consultation and Professional Services

Bid Mode.

SOURCE: <https://corp.hapyak.com/interactive-video-plan/>

- Unique Audience Feedback: Poll your video viewers to measure brand and purchase intent with behavioral insights.

SOURCE: <https://corp.hapyak.com/>

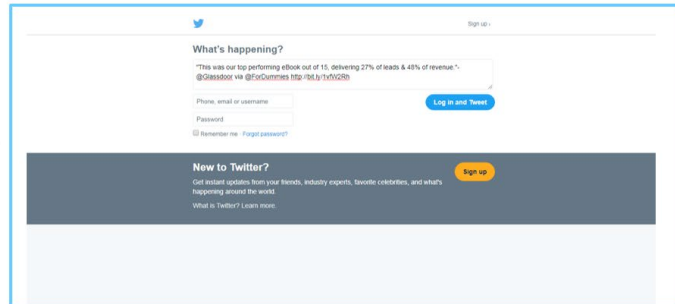
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Anyone can design highly engaging and relevant video experiences in minutes. Simple drag-and-drop tools let you add hotspots, links, overlays, chapters, calls to action, choose-your-own-adventure, shopping carts and more. Easily customize the look and feel to match your brand.

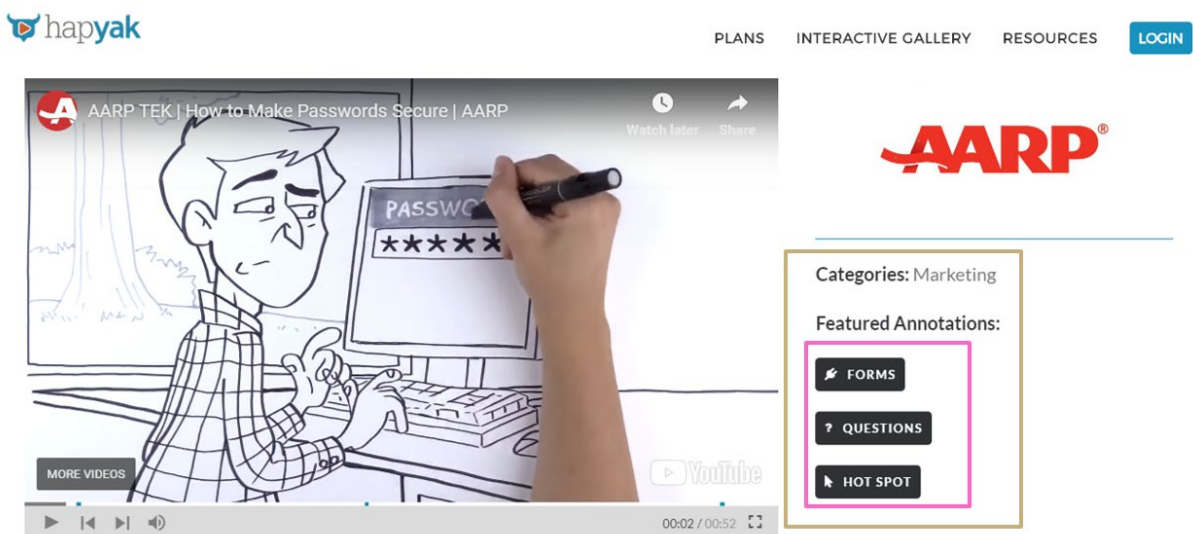
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SOURCE: <https://corp.hapyak.com/resources/wiley/>

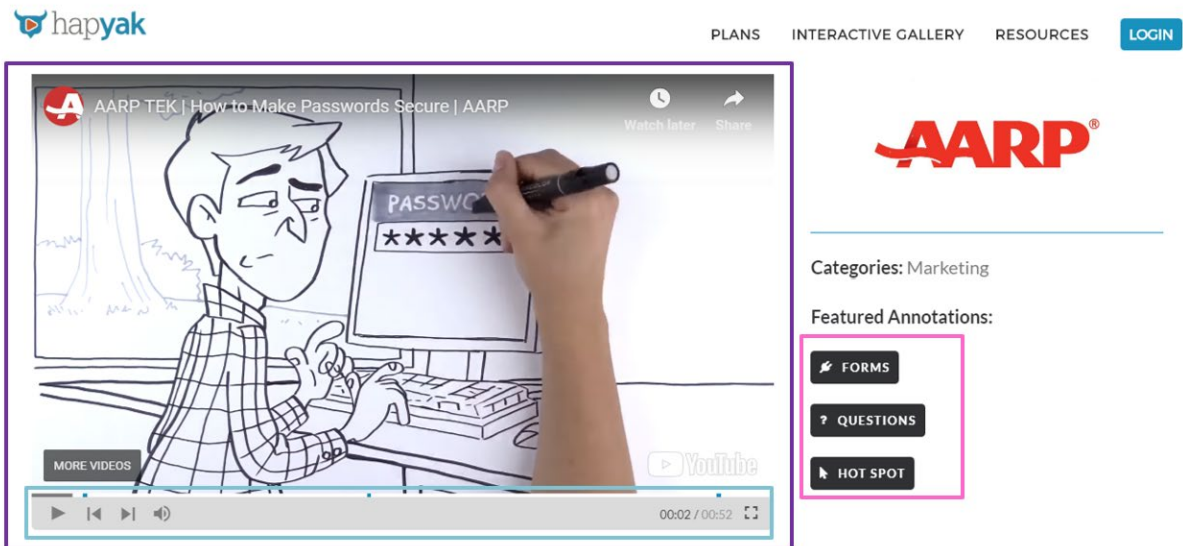


wherein a specific mode is selected by a user through an expandable graphical user interface bar;



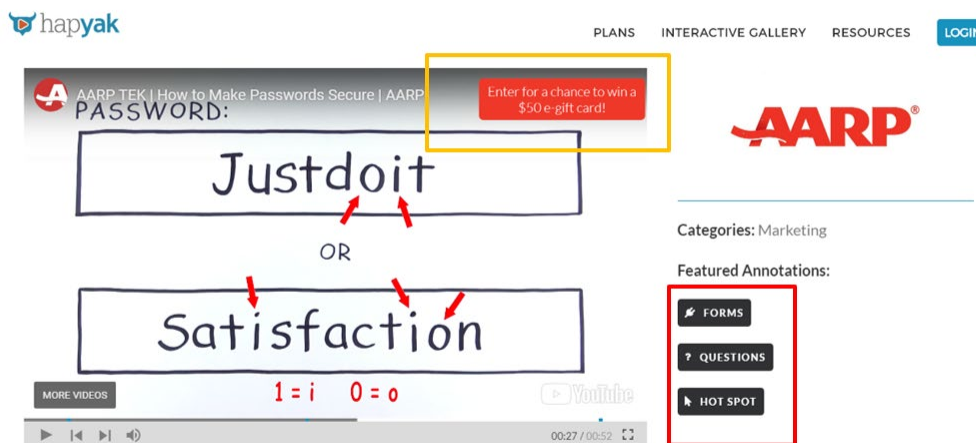
SOURCE: <https://corp.hapyak.com/resources/aarp/>

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;



SOURCE: <https://corp.hapyak.com/resources/aarp/>

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

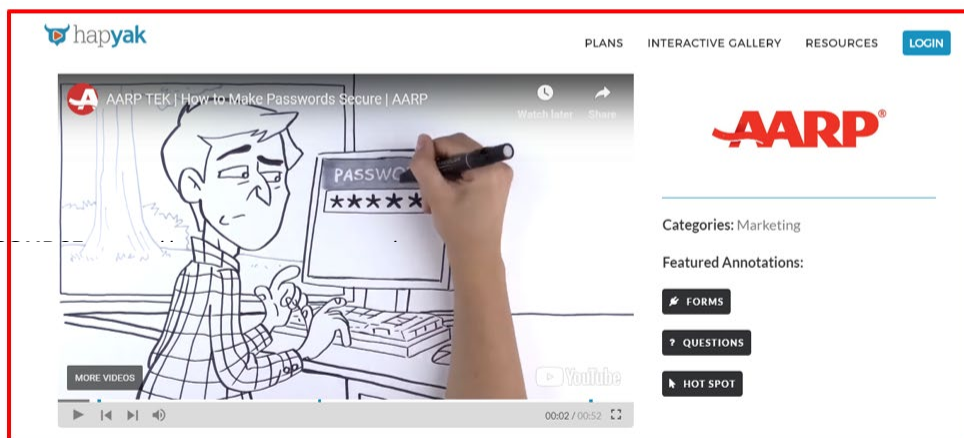


SOURCE: <https://corp.hapyak.com/resources/aarp/>

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;

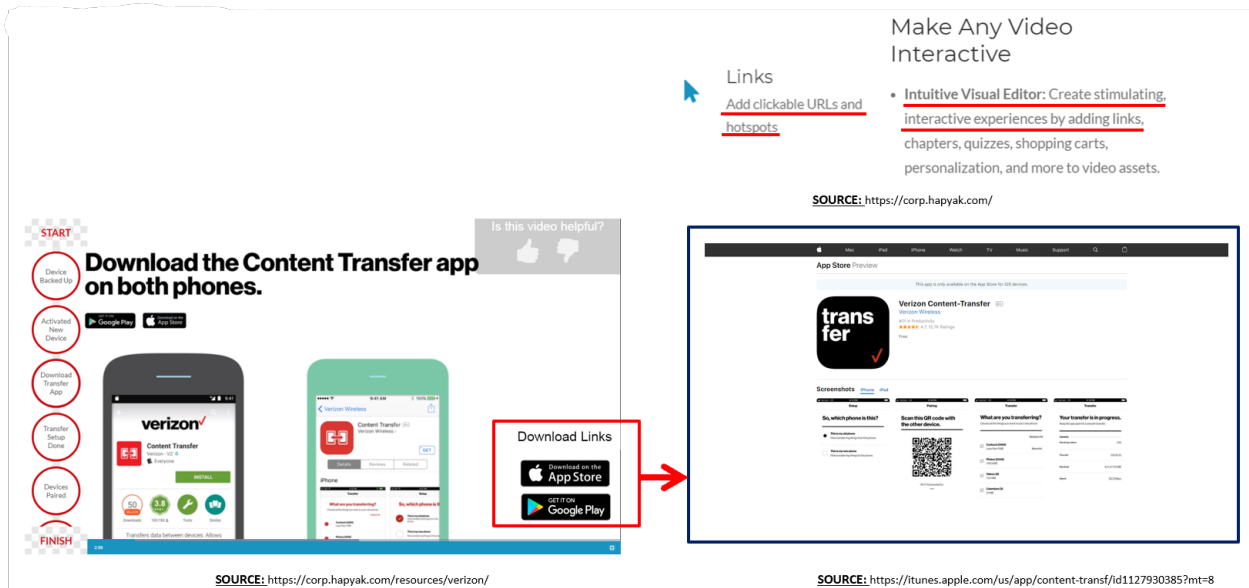
- **Shoppable eCommerce Video:** Monetize brand interactions by crafting shoppable narratives and interactive product pages that push customers to purchase wherever they are: laptop, tablet, or mobile devices.

SOURCE: <https://corp.hapyak.com/>



SOURCE: <https://corp.hapyak.com/resources/aarp/>

selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.



22. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

23. To the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '696 patent complied with all marking requirements under 35 U.S.C. § 287.

24. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against the Defendant, and that the Court grant Plaintiff the following relief:

- A. a judgment that Defendant directly and/or indirectly infringes one or more claims of the '696 patent;
- B. award Plaintiff damages in an amount adequate to compensate Plaintiff for Defendant's infringing products' infringement of the claims of the '696 patent, but in no event less than a reasonable royalty, and supplemental damages for any continuing post-verdict infringement until entry of the final judgment with an accounting as needed, under 35 U.S.C. § 284;
- C. award Plaintiff pre-judgment interest and post-judgment interest on the damages awarded, including pre-judgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '696 patent by Defendant to the day a damages judgment is entered, and an award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law; and an accounting of all damages not presented at trial;
- D. a judgment and order finding this to be an exceptional case and requiring defendant to pay the costs of this action (including all disbursements) and attorneys' fees, pursuant to 35 U.S.C. § 285;
- E. award a compulsory future royalty for the '696 patent; and award such further relief as the Courts deems just and proper.

Dated: May 30, 2019

Respectfully submitted,

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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COOLTVNETWORK.COM, INC.**