

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

ADVANCE PUBLICATIONS, INC., a New York corporation; ALM MEDIA PROPERTIES, LLC, a Delaware limited liability company; AMAZON.COM, INC., a Delaware corporation; AMERICAN MEDIA, INC., a Delaware corporation; AUTOTRADER.COM, INC, a Delaware corporation; DELL INC., a Delaware corporation; DEMAND MEDIA, INC., a Delaware corporation; EXPEDIA, INC., a Delaware corporation; RODALE INC., a Pennsylvania corporation; SCRIPPS NETWORKS, LLC, a Delaware corporation; VIACOM INC., a Delaware corporation; VILLAGE VOICE MEDIA HOLDINGS, LLC, a Delaware corporation;

Defendants.

CASE NO. 2:11-CV-229-TJW

**Jury Trial Demanded**

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Beneficial Innovations, Inc. (“Beneficial Innovations”) sues Defendants Advance Publications, Inc., ALM Media Properties, LLC, Amazon.com, Inc., American Media, Inc., Autotrader.com, Inc., Dell Inc., Demand Media, Inc., Expedia, Inc., Rodale Inc., Scripps Networks, LLC, Viacom Inc., and Village Voice Media Holdings, LLC, (collectively “Defendants”) and, on information and belief, alleges as follows:

**Introduction**

1. Plaintiff Beneficial Innovations, Inc. (“Beneficial Innovations”) owns the inventions described and claimed in United States Patent Nos. 6,712,702 entitled “Method and System for Playing Games on a Network” (the “702 Patent”) and 7,496,943 entitled “Networking System for Presenting Advertising” (the “943 Patent”) (collectively “the Patents”). Defendants (a) have used and continue to use Plaintiff’s patented technology in products that they make, use, import, sell, and offer to sell, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the Patents. Beneficial Innovations seeks damages for patent infringement and an injunction preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, the technology claimed by the Patents without Plaintiff’s permission.

**Jurisdiction and Venue**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, *et seq.* The Court has original jurisdiction over this patent infringement action under 28 U.S.C. § 1338(a).

3. Each of the Defendants has committed acts and continues to commit acts within this judicial district giving rise to this action. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

**Plaintiff Beneficial Innovations**

4. Plaintiff Beneficial Innovations is a corporation existing under and by virtue of the laws of the State of Nevada.

**Defendants**

5. Upon Information and belief, Advance Publications, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal place of business in Staten Island, New York.

6. Upon information and belief, ALM Media Properties, LLC is a Delaware limited liability company with its principle place of business in New York, New York.

7. Upon information and belief, Amazon.com, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Seattle, Washington.

8. Upon information and belief, American Media, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Boca Raton, Florida.

9. Upon information and belief, Autotrader.com, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Atlanta, Georgia.

10. Upon information and belief, Dell Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Round Rock, Texas.

11. Upon information and belief, Demand Media, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principle place of business in Santa Monica, California.

12. Upon information and belief, Expedia, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Bellevue, Washington.

13. Upon information and belief, Rodale Inc. is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business in Emmaus, Pennsylvania.

14. Upon information and belief, Scripps Networks, LLC is a Delaware limited liability company with its principle place of business in Knoxville, Tennessee.

15. Upon information and belief, Viacom Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in New York, New York.

16. Upon information and belief, Village Voice Media Holdings, LLC is a Delaware limited liability company with its principle place of business in Phoenix, Arizona.

**First Claim for Patent Infringement**  
**(infringement of the ‘702 patent)**

17. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 16 above and further alleges as follows:

18. The United States Patent and Trademark Office issued the ‘702 patent on March 30, 2004. Attached as Exhibit A is what is believed to be a copy of the text of the ‘702 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the ‘702 patent, including all rights to pursue and collect damages for past infringements of the patent.

19. Defendants Advance Publications, Inc., ALM Media Properties, LLC, Amazon.com, Inc., Autotrader.com, Inc., Dell Inc., Demand Media, Inc., Expedia, Inc., Rodale Inc., Scripps Networks, LLC, Viacom Inc., and Village Voice Media Holdings, LLC, have infringed, contributed to the infringement, or induced others to infringe the ‘702 Patent and, unless enjoined, will continue to infringe the ‘702 Patent by using the method(s) claimed in the ‘702 Patent or by contributing to or inducing others to use the claimed method(s), including at least the use of the patented methods on the following websites, without a license or permission from Plaintiff:

<b>Defendant</b>	<b>Infringing website</b>
Advance Publications, Inc.	www.sportingnews.com, www.bizjournals.com, www.vogue.com, www.wmagazine.com, www.style.com, www.glamour.com, www.allure.com, www.self.com, www.nutritiondata.com, www.teenvogue.com, www.gq.com, www.details.com, www.architecturaldigest.com, www.brides.com, www.luckymag.com, www.golfdigest.com, www.golfworld.com, www.vanityfair.com, www.bonappetit.com,

	<a href="http://www.epicurious.com">www.epicurious.com</a> , <a href="http://www.concierge.com">www.concierge.com</a> , <a href="http://www.jaunted.com">www.jaunted.com</a> , <a href="http://www.hotelchatter.com">www.hotelchatter.com</a> , <a href="http://www.vegaschatter.com">www.vegaschatter.com</a> , <a href="http://www.wired.com">www.wired.com</a> , <a href="http://www.reddit.com">www.reddit.com</a> , <a href="http://www.arstechnica.com">www.arstechnica.com</a> , <a href="http://www.newyorker.com">www.newyorker.com</a> , <a href="http://www.al.com">www.al.com</a> , <a href="http://www.cleveland.com">www.cleveland.com</a> , <a href="http://lehighvalleylive.com">lehighvalleylive.com</a> , <a href="http://www.masslive.com">www.masslive.com</a> , <a href="http://www.mlive.com">www.mlive.com</a> , <a href="http://www.nj.com">www.nj.com</a> , <a href="http://www.nola.com">www.nola.com</a> , <a href="http://www.oregonlive.com">www.oregonlive.com</a> , <a href="http://www.pennlive.com">www.pennlive.com</a> , <a href="http://www.silive.com">www.silive.com</a> , <a href="http://www.syracuse.com">www.syracuse.com</a> , <a href="http://www.gulflive.com">www.gulflive.com</a> , <a href="http://www.mardigras.com">www.mardigras.com</a> , <a href="http://lawjournalbuffalo.com">lawjournalbuffalo.com</a> , <a href="http://www.insidelacrosse.com">www.insidelacrosse.com</a> , <a href="http://www.masshightech.com">www.masshightech.com</a> , <a href="http://www.scedaily.com">www.scedaily.com</a> , <a href="http://www.sportsbusinessdaily.com">www.sportsbusinessdaily.com</a>
ALM Media Properties, LLC	<a href="http://www.law.com">www.law.com</a> , <a href="http://www.dailybusinessreview.com">www.dailybusinessreview.com</a> , <a href="http://www.delawarelawweekly.com">www.delawarelawweekly.com</a> , <a href="http://www.dailyreportonline.com">www.dailyreportonline.com</a>
Amazon.com, Inc.	<a href="http://www.amazon.com">www.amazon.com</a>
American Media, Inc.	<a href="http://www.shape.com">www.shape.com</a> , <a href="http://www.fitpregnancy.com">www.fitpregnancy.com</a> , <a href="http://www.playboy.com">www.playboy.com</a> , <a href="http://www.flexonline.com">www.flexonline.com</a> , <a href="http://www.radaronline.com">www.radaronline.com</a>
Autotrader.com, Inc.	<a href="http://www.autotrader.com">www.autotrader.com</a>
Dell Inc.	<a href="http://www.dell.com">www.dell.com</a>
Demand Media, Inc.	<a href="http://www.ehow.com">www.ehow.com</a> , <a href="http://www.livestrong.com">www.livestrong.com</a> , <a href="http://www.cracked.com">www.cracked.com</a> , <a href="http://www.trails.com">www.trails.com</a> , <a href="http://www.golflink.com">www.golflink.com</a> , <a href="http://www.typef.com">www.typef.com</a> , <a href="http://www.answerbag.com">www.answerbag.com</a>
Expedia, Inc.	<a href="http://www.expedia.com">www.expedia.com</a> , <a href="http://www.hotels.com">www.hotels.com</a> , <a href="http://www.hotwire.com">www.hotwire.com</a> , <a href="http://tripadvisor.com">tripadvisor.com</a> , <a href="http://www.airfarewatchdog.com">www.airfarewatchdog.com</a> , <a href="http://www.familyvacationcritic.com">www.familyvacationcritic.com</a> , <a href="http://holidaywatchdog.com">holidaywatchdog.com</a> , <a href="http://www.smartertravel.com">www.smartertravel.com</a> , <a href="http://www.travelpod.com">www.travelpod.com</a> , <a href="http://www.virtualtourist.com">www.virtualtourist.com</a>
Rodale Inc.	<a href="http://www.rodale.com">www.rodale.com</a> , <a href="http://www.prevention.com">www.prevention.com</a> , <a href="http://www.menshealth.com">www.menshealth.com</a> , <a href="http://www.womenshealthmag.com">www.womenshealthmag.com</a> , <a href="http://www.runnersworld.com">www.runnersworld.com</a> , <a href="http://www.bicycling.com">www.bicycling.com</a>
Scripps Networks, LLC	<a href="http://www.foodnetwork.com">www.foodnetwork.com</a> , <a href="http://www.hgtv.com">www.hgtv.com</a> , <a href="http://www.diynetwork.com">www.diynetwork.com</a> , <a href="http://www.frontdoor.com">www.frontdoor.com</a> , <a href="http://www.food.com">www.food.com</a>

<p>Viacom Inc.</p>	<p>www.viacom.com; www.addictinggames.com, www.atom.com, www.bet.com, www.cmt.com, www.comedycentral.com, /www.jokes.com, www.gametrailers.com, www.365gay.com, www.afterellen.com, www.mtv.com, www.mtvu.com, www.ratemyprofessors.com, www.neopets.com, www.nick.com, www.nickjr.com, www.teennick.com, www.parentsconnect.com, www.rhapsody.com, www.spike.com, www.tvland.com, www.vh1.com, www.icarly.com, www.petpetpark.com, www.southparkstudios.com, www.logotv.com, www.athinline.org, www.itsyoursexlife.com, www.jerseyshoredailies.com, www.realworlddailies.com, www.theslap.com, www.shockwave.com, www.vh1classic.com, www.bestweekever.tv, www.thedailyshow.com, www.colbertnation.com, www.afterelton.com, www.epixhd.com.</p>
<p>Village Voice Media Holdings, LLC</p>	<p>www.laweekly.com, www.villagevoice.com, www.westword.com, www.phoenixnewtimes.com, www.houstonpress.com, www.dallasobserver.com, www.pitch.com, www.riverfronttimes.com, www.miaminewtimes.com, www.citypages.com, www.browardpalmbeach.com, www.ocweekly.com, www.seattleweekly.com, www.sfweekly.com</p>

20. Plaintiff has been damaged by Defendants’ infringement of the ‘702 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the ‘702 patent.

21. The Defendants are and have been infringing one or more claims of the ‘702 patent.

22. Plaintiff is entitled to recover damages from the Defendants to compensate them for the infringement.

23. Plaintiff demands trial by jury of all issues relating to this claim.

**Second Claim for Patent Infringement**  
**(infringement of the '943 patent)**

24. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 22 above and further alleges as follows:

25. The United States Patent and Trademark Office issued the '943 patent on February 24, 2009. Attached as Exhibit A is what is believed to be a copy of the text of the '943 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the '943 patent, including all rights to pursue and collect damages for past infringements of the patent.

26. Defendants Advance Publications, Inc., ALM Media Properties, LLC, Amazon.com, Inc., American Media, Inc., Autotrader.com, Inc., Dell Inc., Demand Media, Inc., Expedia, Inc., Rodale Inc., Scripps Networks, LLC, Viacom Inc., and Village Voice Media Holdings, LLC, have infringed, contributed to the infringement, or induced others to infringe the '943 Patent and, unless enjoined, will continue to infringe the '943 Patent by using the method(s) claimed in the '943 Patent or by contributing to or inducing others to use the claimed method(s), including at least the use of the patented methods on the following websites, without a license or permission from Plaintiff:

<b>Defendant</b>	<b>Infringing website</b>
Advance Publications, Inc.	www.sportingnews.com, www.bizjournals.com, www.vogue.com, www.wmagazine.com, www.style.com, www.glamour.com, www.allure.com, www.self.com, www.nutritiondata.com, www.teenvogue.com, www.gq.com, www.details.com, www.architecturaldigest.com, www.brides.com, www.luckymag.com, www.golfdigest.com, www.golfworld.com, www.vanityfair.com, www.bonappetit.com, www.epicurious.com, www.concierge.com, www.jaunted.com, www.hotelchatter.com, www.vegaschatter.com, www.wired.com, www.reddit.com, www.arstechnica.com, www.newyorker.com, www.al.com,

	www.cleveland.com, lehighvalleylive.com, www.masslive.com, www.mlive.com, www.nj.com, www.nola.com, www.oregonlive.com, www.pennlive.com, www.silive.com, www.syracuse.com, www.gulflive.com, www.mardigras.com, lawjournalbuffalo.com, www.insidelacrosse.com, www.masshightech.com, www.scedaily.com, www.sportsbusinessdaily.com
ALM Media Properties, LLC	www.law.com, www.dailybusinessreview.com, www.delawarelawweekly.com, www.dailyreportonline.com
Amazon.com, Inc.	www.amazon.com
American Media, Inc.	www.shape.com, www.fitpregnancy.com, www.playboy.com, www.flexonline.com, www.radaronline.com
Autotrader.com, Inc.	www.autotrader.com
Dell Inc.	www.dell.com
Demand Media, Inc.	www.ehow.com, www.livestrong.com, www.cracked.com, www.trails.com, www.golflink.com, www.typef.com, www.answerbag.com
Expedia, Inc.	www.expedia.com, www.hotels.com, www.hotwire.com, tripadvisor.com, www.airfarewatchdog.com, www.familyvacationcritic.com, holidaywatchdog.com, www.smartertravel.com, www.travelpod.com, www.virtualtourist.com
Rodale Inc.	www.rodale.com, www.prevention.com, www.menshealth.com, www.womenshealthmag.com, www.runnersworld.com, www.bicycling.com
Scripps Networks, LLC	www.foodnetwork.com, www.hgtv.com, www.diynetwork.com, www.frontdoor.com, www.food.com
Viacom Inc.	www.viacom.com; www.addictinggames.com, www.atom.com, www.bet.com, www.cmt.com, www.comedycentral.com, www.jokes.com, www.gametrailers.com, www.365gay.com, www.afterellen.com,



	<p>www.mtv.com, www.mtvu.com,          www.ratemyprofessors.com,          www.neopets.com, www.nick.com,          www.nickjr.com, www.teennick.com,          www.parentsconnect.com,          www.rhapsody.com, www.spike.com,          www.tvland.com, www.vh1.com,          www.icarly.com, www.petpetpark.com,          www.southparkstudios.com, www.logotv.com,          www.athinline.org, www.itsyoursexlife.com,          www.jerseyshoredailies.com,          www.realworlddailies.com, www.theslap.com,          www.shockwave.com, www.vh1classic.com,          www.bestweekever.tv,          www.thedailyshow.com,          www.colbertnation.com, www.afterelton.com,          www.epixhd.com.</p>
<p>Village Voice Media Holdings, LLC</p>	<p>www.laweekly.com, www.villagevoice.com,          www.westword.com,          www.phoenixnewtimes.com,          www.houstonpress.com,          www.dallasobserver.com, www.pitch.com,          www.riverfronttimes.com,          www.miaminewtimes.com,          www.citypages.com,          www.browardpalmbeach.com,          www.ocweekly.com, www.seattleweekly.com,          www.sfweekly.com</p>

27. Plaintiff has been damaged by Defendants’ infringement of the ‘943 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the ‘943 patent.

28. The Defendants are and have been infringing one or more claims of the ‘943 patent.

29. Plaintiff is entitled to recover damages from the Defendants to compensate them for the infringement.

30. Plaintiff demands trial by jury of all issues relating to this claim.

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the '702 and '943 patents;
- B. Compensatory damages for Defendants' infringement of the '702 and '943 patents;
- C. Costs of suit and attorneys' fees on the basis that this patent infringement case is exceptional;
- D. Pre-judgment interest; and
- E. For such other relief as justice requires.

Dated: August 11, 2011

Respectfully submitted,

By: /s/ David E. Rosen

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ATTORNEYS FOR PLAINTIFF  
Beneficial Innovations

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 11<sup>th</sup> day of August, 2011. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ David E. Rosen

David E. Rosen