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10 *Attorneys for Plaintiff*
11 **Deep Web, L.L.C.**

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 **DEEP WEB, L.L.C.,**
16
17 Plaintiff,
18 **v.**
19 **ASK MEDIA GROUP, LLC,**
20
21 Defendant.

Case No.
COMPLAINT FOR PATENT
INFRINGEMENT
DEMAND FOR JURY TRIAL

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24 This is an action for patent infringement in which Deep Web, L.L.C. (“Plaintiff”) makes the
25 following allegations against Ask Media Group, LLC (“Defendant”):

26 **PARTIES**

27 1. Plaintiff is a Washington limited liability company with a principle place of business
28 located at 13313 SE 51st St. Bellevue, WA 98006.

1 10. At the time of the invention, the '956 Patent recognized problems with existing search
2 engines indexing the information found on static web pages. Exhibit A at 1:22-24. Typically, existing
3 search engines saved the URL of the web page as well as one or more keywords from the text of the
4 web page. *Id.* at 1:25-28. Deep web information is not typically contained on static web pages, but
5 rather produced in response to a specific query by a user and results in dynamic web pages. Search
6 engines themselves are deep websites. *Id.* at 31-35. Because of search engines' inability to provide
7 deep web information, a user often finds himself not finding the right information or having to re-enter
8 the search criteria as query parameters of queries. *Id.* 1:39-43. The '956 Patent solves this problem by
9 providing not only a search answer page that provides the relevant static web pages, but also the
10 relevant dynamic web pages to be generated. *Id.* 2:11-16. Furthermore, the '956 Patent contemplates
11 taking a user to the indexed dynamic web page with the search criteria preserved. *Id.* 2:16-20.

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13 11. On November 27, 2012, United States Patent No. 8,321,529 (the "'529 Patent") was
14 duly and legally issued by the United States Patent and Trademark Office for an invention entitled
15 "Accessing Deep Web Information Associated With Transportation Services Using a Search Engine."
16 A true and correct copy of the '529 Patent is attached hereto as Exhibit B.

17 12. The '529 Patent is a continuation-in-part of the '956 Patent.

18 13. Plaintiff is the owner by assignment of the '529 Patent, with all rights in and to that
19 patent.

20 14. Michael Z. Moricz is listed as listed as the inventor of the '529 Patent.

21 15. The '529 Patent is valid and enforceable.

22 16. The '529 Patent also addresses the issue of a user of a search engine not finding the right
23 information, or having to re-enter the search criteria, as query parameters of queries to generate the
24 dynamic web pages having the desired information. Exhibit B at 1:47-52. It provided a solution
25 whereby users are provided with a search answer page having indices that index not only the relevant
26 static web pages, but also the relevant dynamic web pages to be generated. *Id.* at 2:20-28. Further, on
27 selection of one of such indices, the user can be taken to the indexed dynamic web page, with the search
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1 criteria preserved, i.e. the from and to cities of Seattle and San Jose, filled in, without requiring the user
2 to re-fill or re-select the search criteria again. *Id.*

3 17. On February 4, 2014, United States Patent No. 8,645,493 (the “’493 Patent”) was duly
4 and legally issued by the United States Patent and Trademark Office for an invention entitled
5 “Accessing Deep Web Information Using a Search Engine.” A true and correct copy of the ’493 Patent
6 is attached hereto as Exhibit C.

7 18. The ’493 Patent is a continuation of the ’529 Patent.

8 19. Plaintiff is the owner by assignment of the ’493 Patent, with all rights in and to that
9 patent.

10 20. Michael Z. Moricz is listed as listed as the inventor of the ’493 Patent.

11 21. The ’493 Patent is valid and enforceable.

12 22. Among other things, the ’493 Patent calls for at least one of the search query answers
13 to include at least one input means of a query answer page and the page to be dynamically generated
14 by one of a subset of information locations in response to a query transmitted by the search engine via
15 the network to the one of the subset of information locations. Exhibit C at Claim 1. The at least another
16 one of the answers do not include any input means, wherein the at least another one of the answers is
17 associated with a static information page that is not dynamically generated. *Id.*

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19 **COUNT I—INFRINGEMENT OF U.S. PATENT NO. 7,693,956**

20 23. Defendant, directly or through its intermediaries, makes, uses, imports, sells, and/or
21 offers for sale products and/or systems that infringes the claims of the ’956 patent, *i.e.*, the ww.ask.com
22 search engine (the “Accused Instrumentalities”).

23 24. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3,
24 4, 5, 6, 9, and 10 of the ’956 Patent in the State of California, in this Judicial District, and elsewhere in
25 the United States, by, among other things, directly or through intermediaries, making, using, selling
26 and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the ’956 Patent
27 to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the
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1 '956 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '956
2 Patent pursuant to 35 U.S.C. § 271(a).

3 25. When placed into operation by Defendant or its end users, the Accused Instrumentalities
4 infringe claim 1 of the '956 Patent as they perform a computer implemented method comprising:
5 receiving by a search service computer server on the Internet, from a client device having access to the
6 Internet, a search request, wherein the search request includes one or more search criteria and directs
7 the search service computing server to search the Internet for a plurality of information locations having
8 information associated with the plurality of search criteria; and returning to the client device, in
9 response to the search request, by the search service computing server, an answer page having a
10 plurality of answers identifying a plurality of information locations on the Internet having information
11 associated with the one or more search criteria, wherein at least a first of the answers associated with a
12 first information page of a first information location having information associated with the search
13 criteria does not include any input field displayed on the answer page, and at least a second of the
14 answers associated with a second information page of a second information location having
15 information associated with the search criteria includes at least one input field displayed on the answer
16 page, the input field being associated with the second information page; wherein the second answer is
17 placed in the answer page either ahead of or at a side of the first answer; wherein the second answer
18 including at least one input field further includes an index indexing to the second information location
19 from which the input field is generated, the index including the one or more search criteria and a set of
20 one or more associated parameters, and the set of one or more associated parameters including at least
21 one parameter variable corresponding to the at least one input field. *See* Ex. D, Figs. 1-3;
22 <https://sitereport.netcraft.com/?url=http://www.ask.com>.

24 26. When placed into operation by Defendant or its end users, the Accused Instrumentalities
25 infringe claim 2 of the '956 Patent as they perform the method of claim 1, and further, wherein the
26 second answer including at least one input field includes a plurality of input fields associated with the
27 second information page, organized in one or more rows. *Id.* at Fig. 3.
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27. When placed into operation by Defendant or its end users, the Accused Instrumentalities infringe claim 3 of the '956 Patent as it performs the method of claim 1, and further, wherein the method further comprises transmitting a query to the second information location with whose second information page the input field is associated, the query including one or more query parameters, and the one or more query parameters including at least one value input through the at least one input field. *Id.* at Fig. 4.

28. When placed into operation by Defendant or its end users, the Accused Instrumentalities infringe claim 4 of the '956 Patent as it performs a computer implemented method comprising: receiving by a search service computing server on the Internet, from a client device having access to the Internet, a search request, wherein the search request includes a plurality of search criteria and directs the search service computing server to search the Internet for a plurality of information locations having information associated with the plurality of search criteria, the plurality of search criteria including a first and a second physical location name or identifier; and returning to the client device, in response to the search request, by the search service computing server, an answer page having a plurality of answers identifying a plurality of information locations having information potentially associated with the first physical location, the second physical location, or both, wherein at least a first of the answers associated with a first information page of a first information location having information associated with the search criteria does not include any input field displayed on the answer page, and at least a second of the answers associated with a second information page of a second information location having information associated with the search criteria includes at least one input field displayed on the answer page for entry of at least a flight departure date for a flight between the first and second physical locations, the at least one input field associated with the second information page; wherein the second answer is placed in the answer page either ahead of or at a side of the first answer; wherein the second answer including at least one input field further includes an index indexing to the second information location from which the input field is generated, the index including the one or more search criteria and a set of one or more associated parameters, and the set of one or more

1 associated parameters including at least one parameter variable corresponding to the at least one input
2 field. *Id.* at Figs. 1-3; <https://sitereport.netcraft.com/?url=http://www.ask.com>.

3 29. When placed into operation by Defendant or its end users, the Accused Instrumentalities
4 infringe claim 5 of the '956 Patent as it performs the method of claim 4, and further the at least a second
5 answer including at least one input field, includes a plurality of input fields and configured to enable
6 the user to further indicate a flight return date for flights between the first and second physical locations.

7 *Id.* at Fig. 3.

8 30. When placed into operation by Defendant or its end users, the Accused Instrumentalities
9 infringe claim 6 of the '956 Patent as it performs the method of claim 5, and further the plurality of
10 input fields are organized in one or more rows. *Id.* at Fig. 3.

11 31. When placed into operation by Defendant or its end users, the Accused Instrumentalities
12 infringe claim 9 of the '956 Patent as it performs the method of claim 4, and further, wherein at least
13 one of the first and second locations is a city. *Id.* at Figs 1-4.

14 32. When placed into operation by Defendant or its end users, the Accused Instrumentalities
15 infringe claim 10 of the '956 Patent as it performs the method of claim 4, and further, wherein at least
16 one of the first and second locations is an airport. *See* Ex. A-1, Figs. 1-2 and 5.

17 33. As a result of Defendant's infringement of the '956 Patent, Plaintiff has suffered
18 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
19 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
20 invention by Defendant, together with interest and costs as fixed by the court.

21 **COUNT II—INFRINGEMENT OF U.S. PATENT NO. 8,321,529**

22 34. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or
23 offers for sale products and/or systems (*i.e.*, the Accused Instrumentalities) that infringe claims 1, 17,
24 and 18 of the '529 patent.

25 35. Upon information and belief, Defendant has been and is now infringing claims 1, 17,
26 and 18 of the '529 Patent in the State of California, in this Judicial District, and elsewhere in the United
27 States.

1 States, by, among other things, directly or through intermediaries, making, using, selling and/or
2 offering for sale the Accused Instrumentalities, covered by one or more claims of the '529 Patent to
3 the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '529
4 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '529 Patent
5 pursuant to 35 U.S.C. § 271(a).

6 36. When placed into operation by Defendant or its end users, the Accused Instrumentalities
7 infringe claim 1 of the '529 Patent as they perform a method comprising: receiving from a client device
8 through a network, by a search engine operated by a computing system, a search request associated
9 with a transportation service, the search request including a plurality of search criteria; searching, by
10 the search engine, through a plurality of indexes indexing information available on a plurality of
11 information locations for information locations having information potentially associated with at least
12 one of the plurality of search criteria, wherein the information locations include publicly networked
13 information locations; and returning to the client device through the network, by the search engine, an
14 answer page having a plurality of answers potentially associated with the transportation service, based
15 at least in part on a result of the searching, wherein the plurality of answers identifies a subset of the
16 plurality of information locations having information potentially associated with at least a one of the
17 plurality of search criteria, wherein at least one of the answers includes at least one input means of a
18 query answer page, wherein the query answer page is to be dynamically generated by one of the subset
19 of information locations in response to a query transmitted by the search engine via the network to the
20 one of the subset of information locations, wherein the query includes at least one parameter value that
21 is input by the user via the at least one input means, and wherein at least another one of the answers do
22 not include any input means, wherein the at least another one of the answers is associated with a static
23 information page that is not dynamically generated. Exhibit D at Figs. 1-3.

24 37. The Accused Instrumentalities infringe claim 17 of the '529 Patent as Defendant's
25 operates servers that are apparatus including a processor; and logic operated by the processor to operate
26 a search engine adapted to: receive a search request associated with a transportation service from a
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1 client device through a network, the search request including a plurality of search criteria, search
 2 through a plurality of indexes indexing information available on a plurality of information locations
 3 for information locations having information potentially associated with at least a one of the plurality
 4 of search criteria, wherein the information locations include publicly networked information locations,
 5 and return to the client device through the network, an answer page having a plurality of answers
 6 potentially associated with the transportation service, based at least in part on a result of the searching,
 7 wherein the plurality of answers identifies a subset of the plurality of information locations having
 8 information potentially associated with at least a one of the plurality of search criteria, wherein at least
 9 one of the answers includes at least one input means of a query answer page for entry of at least one
 10 feature of the transportation service, wherein the query answer page is to be dynamically generated by
 11 one of the subset of information locations in response to a query transmitted by the search engine via
 12 the network to the one of the subset of information locations, wherein the query includes at least one
 13 parameter value that is input by the user via the at least one input means, and wherein at least another
 14 one of the answers do not include any input means, wherein the at least another one of the answers is
 15 associated with a static information page that is not dynamically generated. *Id.*;
 16 <https://sitereport.netcraft.com/?url=http://www.ask.com>.
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18 38. The Accused Instrumentalities infringe claim 18 of the '529 Patent as they meet the
 19 limitations of claim 18, and further wherein the search request is associated with a transportation
 20 service that is one of a vehicular rental service, a train reservation service, a flight status service, a
 21 limousine reservation service, a taxi reservations service, a bus reservation/schedule service, a boat
 22 reservation/schedule service, a ship reservation/schedule service, a car rental location service, a train
 23 status information service, a ferry reservation/schedule service, or a cruise liner reservation/schedule
 24 service. *Id.*
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COUNT III—INFRINGEMENT OF U.S. PATENT NO. 8,645,493

39. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Accused Instrumentalities) that infringe claims 1, 18, 19, and 20 of the '493 patent.

40. Upon information and belief, Defendant has been and is now infringing claims 1, 18, 19, and 20 of the '493 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale the Accused Instrumentalities, covered by one or more claims of the '493 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '493 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '493 Patent pursuant to 35 U.S.C. § 271(a).

41. When placed into operation by Defendant or its end users, the Accused Instrumentalities infringe claim 1 of the '493 Patent as they perform a method comprising: receiving from a client device through a network, by a search engine operated by a computing system, a search request, the search request including a plurality of search criteria; searching, by the search engine, through a plurality of indexes indexing information available on a plurality of information locations for information locations having information potentially associated with at least one of the plurality of search criteria, wherein the information locations include publicly networked information locations; and returning to the client device through the network, by the search engine, an answer page having a plurality of answers, based at least in part on a result of the searching, wherein the plurality of answers identifies a subset of the plurality of information locations having information potentially associated with at least a one of the plurality of search criteria, wherein at least one of the answers includes at least one input means of a query answer page, wherein the query answer page is to be dynamically generated by one of the subset of information locations in response to a query transmitted by the search engine via the network to the one of the subset of information locations, wherein the query includes at least one parameter value that is input by the user via the at least one input means, and wherein at least another one of the answers do

1 not include any input means, wherein the at least another one of the answers is associated with a static
2 information page that is not dynamically generated. Exhibit D at Figs. 1-3.

3 42. The Accused Instrumentalities infringe claim 18 of the '493 Patent because they
4 comprise an apparatus including a processor; and logic operated by the processor to operate a search
5 engine adapted to: receive a search request from a client device through a network, the search request
6 including a plurality of search criteria, search through a plurality of indexes indexing information
7 available on a plurality of information locations for information locations having information
8 potentially associated with at least a one of the plurality of search criteria, wherein the information
9 locations include publicly networked information locations, and return to the client device through the
10 network, an answer page having a plurality of answers potentially associated with the transportation
11 service, based at least in part on a result of the searching, wherein the plurality of answers identifies a
12 subset of the plurality of information locations having information potentially associated with at least
13 a one of the plurality of search criteria, wherein at least one of the answers includes at least one input
14 means of a query answer page for entry of at least one feature of the transportation service, wherein the
15 query answer page is to be dynamically generated by one of the subset of information locations in
16 response to a query transmitted by the search engine via the network to the one of the subset of
17 information locations, wherein the query includes at least one parameter value that is input by the user
18 via the at least one input means, and wherein at least another one of the answers do not include any
19 input means, wherein the at least another one of the answers is associated with a static information
20 page that is not dynamically generated. *Id*; <https://sitereport.netcraft.com/?url=http://www.ask.com>.

21 43. The Accused Instrumentalities infringe claim 19 of the '493 Patent as they meet the
22 limitations of claim 18, and further wherein the search request is associated with a transportation
23 service that is one of a vehicular rental service, a train reservation service, a flight status service, a
24 limousine reservation service, a taxi reservations service, a bus reservation/schedule service, a boat
25 reservation/schedule service, a ship reservation/schedule service, a car rental location service, a train
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status information service, a ferry reservation/schedule service, or a cruise liner reservation/schedule service. *Id.*

44. The Accused Instrumentalities infringe claim 20 of the '493 Patent as they comprise an article of manufacture including a storage device; and a plurality of instructions stored on the storage medium and configured to enable an apparatus, in response to execution of the instructions, to operate a search engine to receive a search request from a client device through a network, the search request including a plurality of search criteria, search through a plurality of indexes indexing information available on a plurality of information locations for information locations having information potentially associated with at least a one of the plurality of search criteria, wherein the information locations include publicly networked information locations, and return to the client device through the network, an answer page having a plurality of answers based at least in part on a result of the searching, wherein the plurality of answers identifies a subset of the plurality of information locations having information potentially associated with at least a one of the plurality of search criteria, wherein at least one of the answers includes at least one input means of a query answer page, wherein the query answer page is to be dynamically generated by one of the subset of information locations in response to a query transmitted by the search engine via the network to the one of the subset of information locations, wherein the query includes at least one parameter value that is input by the user via the at least one input means, and wherein at least another one of the answers do not include any input means, wherein the at least another one of the answers is associated with a static information page that is not dynamically generated. Exhibit D at Figs. 1-3.

45. As a result of Defendant's infringement of the '493 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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COUNT IV—INDUCED INFRINGEMENT

46. Upon information and belief, Defendant has been and is now inducing the infringement by its end users of the claims 1, 2, and 3, 4, 5, 6, 9, and 10 of the '956 Patent, claim 1 of the '529 Patent, and claim 1 of the '493 Patent (collectively, the "Inducement Claims") in the State of California, in this Judicial District, and elsewhere in the United States by, among other things, making, using, selling, and/or offering for sale the Accused Instrumentalities to the injury of Plaintiff. Defendant's end users are directly infringing, literally infringing, and/or infringing the Inducement Claims under the doctrine of equivalents. Defendant is thus liable for infringement of the Inducement Claims pursuant to 35 U.S.C. § 271(b).

47. Defendant has had knowledge of at least the '956, '529 and '493 Patents since at least the filing of this complaint.

48. By advertising, selling, instruction and providing the Accused Instrumentalities to end users wherein the Accused Instrumentalities infringe upon ordinary use by an end user, Defendant specifically intended to induce infringement. Furthermore, Defendant remains aware that these normal and customary activities would infringe the Inducement Claims. Defendant has had knowledge of the '956, '529 and '493 Patents since the filing of this complaint, and actually induces others, such end-use customers, to directly infringe by using, selling, supplying, and or distributing the Accused Instrumentalities within the United States. Defendant is aware since the filing of this Complaint, that such actions would induce actual infringement

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

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

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

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d. That this Court declare this an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b) and Civil L.R. 3-6, Plaintiff requests a trial by jury on any issues so triable by right.

Respectfully submitted,

SML Avvocati P.C.

Dated: April 2, 2020

By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff