

1 Steven T. Lowe SBN 122208  
1 *steven@lowelaw.com*  
2 Kris S. LeFan SBN 278611  
2 *kris@lowelaw.com*  
3 LOWE LEFAN, P.C.  
4 8383 Wilshire Boulevard, Suite 1038  
4 Beverly Hills, California 90211  
5 Telephone: (310) 477-5811  
6 Facsimile: (310) 477-7672

7 Hao Ni (pro hac vice)  
7 *hni@nilawfirm.com*  
8 NI, WANG & MASSAND, PLLC  
8 8140 Walnut Hill Lane, Suite 500  
9 Dallas, TX 75231  
10 Telephone: (972) 331-4600  
10 Facsimile: (972) 314-0900  
11 Attorneys for Plaintiff  
12 Hypermedia Navigation LLC

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 **HYPERMEDIA NAVIGATION LLC,**

16 Plaintiff,

17 v.

18 **YAHOO HOLDINGS, INC.,**

19 Defendant.

Case No. 4:17-cv-03188-HSG

Hon. Haywood S. Gilliam, Jr.

**AMENDED COMPLAINT**

20 **AMENDED COMPLAINT**

21 This is an action for patent infringement in which Hypermedia Navigation LLC  
22 (“Hypermedia”) makes the following allegations against Yahoo Holdings, Inc., (“Defendant”):  
23

24 **PARTIES**

25 1. Hypermedia Navigation LLC is a Texas limited liability company with a principle  
26 place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.  
27  
28



1 number of choices, for example, searching for a content on the search term "President" in  
 2 December 1998 on www.yahoo.com would yield non-linear results.

3 8. In 1998, Yahoo's search engine provided this simple categorical home page with no  
 4 media content navigation.

5

6 

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

Search Result Found 46 categories and 923 sites for president

Categories	Web Sites	Web Pages	Related News	Net Events																				
<b>Yahoo! Category Matches (1 - 20 of 46)</b>																								
<a href="#">Government &gt; U.S. Government &gt; Executive Branch &gt; Clinton Administration &gt; Independent Counsel Investigations &gt; Kenneth Starr Investigation of President and Hillary Rodham Clinton</a>																								
<a href="#">Government &gt; U.S. Government &gt; Executive Branch &gt; Departments and Agencies &gt; Executive Office of the President</a>																								
<a href="#">Business and Economy &gt; Companies &gt; Gambling &gt; Casinos &gt; President Riverboat Casino</a>																								
<a href="#">Society and Culture &gt; Holidays and Observances &gt; President's Day</a>																								
<a href="#">Entertainment &gt; Movies and Film &gt; Titles &gt; Comedy &gt; American President, The</a>																								
<a href="#">Arts &gt; Humanities &gt; History &gt; U.S. History &gt; 20th Century &gt; 1970s &gt; Watergate &gt; All The President's Men</a>																								
<a href="#">Government &gt; U.S. Government &gt; Executive Branch &gt; Clinton Administration &gt; Vice President Al Gore</a>																								
<a href="#">Entertainment &gt; Movies and Film &gt; Titles &gt; Drama &gt; All The President's Men</a>																								
<a href="#">Entertainment &gt; Humor &gt; By Topic &gt; Computers and Internet &gt; Microsoft &gt; Gates, Bill &gt; Bill Gates for President</a>																								
<a href="#">Recreation &gt; Sports &gt; Triathlon &gt; Competitions &gt; President's Choice Triathlon Series</a>																								
<a href="#">Regional &gt; Countries &gt; Macedonia, Former Yugoslav Republic of &gt; Government &gt; Kiro Gligorov, President of Macedonia</a>																								
<a href="#">Full Coverage &gt; US &gt; Presidential Election 2000</a>																								
<a href="#">Arts &gt; Humanities &gt; History &gt; U.S. History &gt; People &gt; Presidents</a>																								
<a href="#">Government &gt; U.S. Government &gt; Politics &gt; Parties &gt; Republican Party &gt; 2000 Presidential Election</a>																								
<a href="#">Government &gt; U.S. Government &gt; Politics &gt; Elections &gt; Presidential Elections</a>																								
<a href="#">Government &gt; U.S. Government &gt; Politics &gt; Elections &gt; 1996 U.S. Elections &gt; Presidential Election</a>																								
<a href="#">Government &gt; U.S. Government &gt; Politics &gt; Parties &gt; Republican Party &gt; 1996 Presidential Election</a>																								
<a href="#">Government &gt; U.S. Government &gt; Politics &gt; Humor &gt; 2000 Presidential Election</a>																								
<a href="#">Government &gt; U.S. Government &gt; Politics &gt; Humor &gt; 1996 Presidential Election</a>																								
<a href="#">Net Events &gt; Government &gt; Politics &gt; 2000 US Presidential Elections</a>																								
<b>Next 20 Matches</b>																								
<table border="1"> <thead> <tr> <th>Categories</th> <th>Web Sites</th> <th>Web Pages</th> <th>Related News</th> <th>Net Events</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;"> <input type="text" value="president"/> <input type="button" value="Next Search"/> <a href="#">advanced search</a> - <a href="#">help</a> </td> </tr> <tr> <td colspan="5" style="text-align: center;"> <b>Other Search Engines</b>  <a href="#">Alta Vista</a> - <a href="#">GoTo.com</a> - <a href="#">HotBot</a> - <a href="#">Infoseek</a> - <a href="#">Deja.com</a> - <a href="#">More...</a>  <a href="#">Yellow Pages</a> - <a href="#">People Search</a> - <a href="#">City Maps</a> - <a href="#">Get Local</a> - <a href="#">Today's Web Events &amp; Chats</a> - <a href="#">Image Search</a> - <a href="#">More Yahoo</a> </td> </tr> <tr> <td colspan="5" style="text-align: center;"> <small>Copyright © 1994-1999 Yahoo! Inc. All Rights Reserved. - <a href="#">Company Information</a> - <a href="#">Help</a> - <a href="#">Search Feedback</a></small> </td> </tr> </tbody> </table>					Categories	Web Sites	Web Pages	Related News	Net Events	<input type="text" value="president"/> <input type="button" value="Next Search"/> <a href="#">advanced search</a> - <a href="#">help</a>					<b>Other Search Engines</b> <a href="#">Alta Vista</a> - <a href="#">GoTo.com</a> - <a href="#">HotBot</a> - <a href="#">Infoseek</a> - <a href="#">Deja.com</a> - <a href="#">More...</a> <a href="#">Yellow Pages</a> - <a href="#">People Search</a> - <a href="#">City Maps</a> - <a href="#">Get Local</a> - <a href="#">Today's Web Events &amp; Chats</a> - <a href="#">Image Search</a> - <a href="#">More Yahoo</a>					<small>Copyright © 1994-1999 Yahoo! Inc. All Rights Reserved. - <a href="#">Company Information</a> - <a href="#">Help</a> - <a href="#">Search Feedback</a></small>				
Categories	Web Sites	Web Pages	Related News	Net Events																				
<input type="text" value="president"/> <input type="button" value="Next Search"/> <a href="#">advanced search</a> - <a href="#">help</a>																								
<b>Other Search Engines</b> <a href="#">Alta Vista</a> - <a href="#">GoTo.com</a> - <a href="#">HotBot</a> - <a href="#">Infoseek</a> - <a href="#">Deja.com</a> - <a href="#">More...</a> <a href="#">Yellow Pages</a> - <a href="#">People Search</a> - <a href="#">City Maps</a> - <a href="#">Get Local</a> - <a href="#">Today's Web Events &amp; Chats</a> - <a href="#">Image Search</a> - <a href="#">More Yahoo</a>																								
<small>Copyright © 1994-1999 Yahoo! Inc. All Rights Reserved. - <a href="#">Company Information</a> - <a href="#">Help</a> - <a href="#">Search Feedback</a></small>																								

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

11. On May 8, 2007, United States Patent No. 7,216,155 (the “155 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System

1 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and  
2 correct copy of the ’155 patent is attached hereto as Exhibit A.

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

8 13. On June 3, 2008, United States Patent No. 7,383,324 (the “’324 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  
11 correct copy of the ’324 patent is attached hereto as Exhibit C.

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

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

22 16. On August 3, 2010, United States Patent No. 7,769,830 (the “’830 patent”) was duly  
23 and legally issued by the United States Patent and Trademark Office for an invention titled “System  
24 and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and  
25 correct copy of the ’830 patent is attached hereto as Exhibit F.  
26  
27  
28



1 the Accused Instrumentalities, covered by one or more claims of the '155 Patent to the injury of  
2 Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '155 Patent  
3 under the doctrine of equivalents. Defendant is thus liable for infringement of the '155 Patent  
4 pursuant to 35 U.S.C. § 271(a).

5  
6 24. The Accused Instrumentalities infringe claim 13 of the '155 Patent as they comprise  
7 a computer readable medium tangibly embodying computer executable instructions for creating a  
8 linear Web tour comprising a linear linked-sequence of program elements on the World-Wide Web,  
9 the World-Wide Web including a plurality of Web pages stored at a common remote information  
10 node (e.g. Yahoo's servers), each Web page having a base media element (e.g. pages returned from  
11 the Yahoo video search engine including media element(s)), the computer executable instructions  
12 comprising instructions for selecting a first base media element corresponding to a first Web page  
13 (e.g. selecting a first video in the returned Yahoo video search); selecting a second base media  
14 element corresponding to a second Web page (e.g. selecting a second video in the returned Yahoo  
15 video search); and incorporating the first base media element and the second base media element as  
16 program elements in the linear linked-sequence of program elements (e.g. providing a list of most  
17 relevant video results for Yahoo video search) *See* Pls' P.R. 3-1 Infringement Contentions, served  
18 on Defendant May 30, 2017, and hereby incorporated by reference, Ex. A.

19  
20  
21 25. The Accused Instrumentalities infringe claim 15 of the '155 Patent as they comprise  
22 a computer readable medium tangibly embodying computer executable instructions to comply with  
23 claim 13 and further includes instructions for receiving a search criteria from a user wherein  
24 selecting the first base media element and selecting the second base media element are performed  
25 based on the search criteria (e.g. videos are selected based on a search term). *See* Pls' P.R. 3-1  
26 Infringement Contentions, Ex. A.  
27  
28





1           30.     The Accused Instrumentalities infringe claim 10 of the '323 Patent as they perform a  
2 method for presenting video media elements to a subscriber station by receiving request from the  
3 subscriber station to present at least one video element to the subscriber (e.g. Yahoo receives a  
4 request from a user for presenting video media elements results); selecting a plurality of video  
5 media elements for presentation the subscriber station (e.g. Yahoo video search selects a plurality of  
6 video elements); creating a file for use by the subscriber station to create a user interface (e.g.  
7 Yahoo video search presents a viewing area of a user selected video); and transmitting the file to the  
8 subscriber station. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. B.  
9

10           31.     Accused Instrumentalities infringe claim 11 of the '323 Patent as they perform the  
11 method of claim 10 and receiving the request from the subscriber station includes receiving a search  
12 criteria and selecting the plurality of video media elements includes selecting the plurality of video  
13 media elements based upon the search criteria (e.g. Yahoo selects videos based on search terms).  
14 *See* Pls' P.R. 3-1 Infringement Contentions, Ex. B.  
15

16           32.     The Accused Instrumentalities infringe claim 12 of the '323 Patent as they perform  
17 the method of claim 10 and receiving the request from the subscriber station includes receiving a  
18 search criteria and at least one search preference and selecting the plurality of video media elements  
19 includes selecting the plurality of video media elements based upon the search criteria and the at  
20 least one search preference. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. B.  
21

22           33.     The Accused Instrumentalities infringe claim 17 of the '323 Patent as they perform  
23 the method of claim 10 and each of the plurality of video media elements for presentation to the  
24 subscriber station resides on a common Web Site. *See* Pls' P.R. 3-1 Infringement Contentions, Ex.  
25 B.  
26  
27  
28

1           34.     The Accused Instrumentalities infringe claim 28 of the '323 Patent as they comprise  
2 a computer readable medium tangibly comprising computer executable instructions for receiving a  
3 request from the subscriber station to present at least on video media element to the subscriber  
4 station and selecting a plurality of video media elements for presentation to the subscriber station  
5 (e.g. Yahoo receives a request and selects videos for presentation), the plurality of video elements  
6 include a first video media element and a plurality of second video media elements; creating a file  
7 for use by the subscriber station to create a user interface that includes a viewing area in which the  
8 first video media element is presented and a map area having a plurality of icons (e.g. Yahoo  
9 present a user interface to a subscriber); and transmitting the file to the subscriber station. *See* Pls'  
10 P.R. 3-1 Infringement Contentions, Ex. B.  
11  
12

13           35.     The Accused Instrumentalities infringe claim 29 of the '323 Patent as they comprise  
14 a computer readable medium tangibly comprising computer executable instructions for performing  
15 the steps of claim 28 and instructions for receiving the request from a subscriber station including  
16 instructions for receiving a search criteria and selecting the plurality of video media elements based  
17 upon the search criteria. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. B.  
18

19           36.     The Accused Instrumentalities infringe claim 30 of the '323 Patent as they comprise  
20 a computer readable medium tangibly comprising computer executable instructions for performing  
21 the steps of claim 28 and instructions for receiving from the subscriber station a search criteria and  
22 at least one search preference, and instructions for selecting the plurality of video media elements  
23 based on the search criteria and the at least one search preference. *See* Pls' P.R. 3-1 Infringement  
24 Contentions, Ex. B.  
25

26           37.     The Accused Instrumentalities infringe claim 35 of the '323 Patent as they comprise  
27 a computer readable medium tangibly comprising computer executable instructions for performing  
28

1 the steps of claim 28 and each of the plurality of video media elements for presentation to the  
2 subscriber station resides on a common Web site. *See* Pls' P.R. 3-1 Infringement Contentions, Ex.

3 B.

4 38. As a result of Defendant's infringement of the '323 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.  
8

9 **COUNT III**  
10 **INFRINGEMENT OF U.S. PATENT NO. 7,383,324**

11 39. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer  
12 for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or  
13 Yahoo Music) (the "Accused Instrumentalities") that infringe claims 1, 2, and 4 of the '324 patent.  
14

15 40. Upon information and belief, Defendant has been and is now infringing claims 1, 2,  
16 and 4 of the '324 Patent in the State of Texas, in this Judicial District, and elsewhere in the United  
17 States, by, among other things, directly or through intermediaries, making, using, importing,  
18 providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search  
19 and/or Yahoo Music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '324  
20 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or  
21 infringing the '324 Patent under the doctrine of equivalents. Defendant is thus liable for  
22 infringement of the '324 Patent pursuant to 35 U.S.C. § 271(a).  
23

24 41. The Accused Instrumentalities infringe claim 1 of the '324 Patent as they perform a  
25 method for presenting video media elements to a subscriber station by receiving request from the  
26 subscriber station to present at least one video element to the subscriber (e.g. Yahoo receives a  
27 request from a user for presenting video media elements results); selecting a plurality of video  
28

1 media elements for presentation the subscriber station (e.g. Yahoo video search selects a plurality of  
2 video elements); creating a file for use by the subscriber station to create a user interface (e.g.  
3 Yahoo video search presents a viewing area of a user selected video); and transmitting the file to the  
4 subscriber station. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. C.

5  
6 42. The Accused Instrumentalities infringe claim 2 of the '324 Patent as they perform  
7 the method of claim 1 and each of the first plurality of video media elements and the second  
8 plurality of video elements are associated with the Web site. *See* Pls' P.R. 3-1 Infringement  
9 Contentions, Ex. C.

10  
11 43. The Accused Instrumentalities infringe claim 4 of the '324 Patent as they perform  
12 the method of claim 1 and wherein receiving the search criteria from the subscriber station  
13 comprises receiving a search term and selecting the second plurality of video media elements based  
14 upon the search criteria comprises using the search term to select the second plurality of video  
15 media elements. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. C.

16  
17 44. As a result of Defendant's infringement of the '324 Patent, Hypermedia 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  
22 **COUNT IV**  
**INFRINGEMENT OF U.S. PATENT NO. 7,424,523**

23 45. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer  
24 for sale products and/or systems (*i.e.*, the Yahoo search engine and/or its Yahoo video search and/or  
25 Yahoo music) (the "Accused Instrumentalities") that infringe claims 6, 7, 8, 9, 10, and 11 of the  
26 '523 patent.  
27  
28

1           46.     Upon information and belief, Defendant has been and is now infringing claims 6 and  
2 7 of the '523 Patent in the State of Texas, in this Judicial District, and elsewhere in the United  
3 States, by, among other things, directly or through intermediaries, making, using, importing,  
4 providing, selling and/or offering for sale the Yahoo search engine and/or its Yahoo video search  
5 and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '523  
6 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or  
7 infringing the '523 Patent under the doctrine of equivalents. Defendant is thus liable for  
8 infringement of the '523 Patent pursuant to 35 U.S.C. § 271(a).  
9

10           47.     The Accused Instrumentalities infringe claim 6 of the '523 Patent as they perform a  
11 method for navigating a linear Web program by sending data from a remote information node to  
12 display, on a display device at a user location, a first media element of the plurality of media  
13 elements from the single Website (e.g. Yahoo video search sends to a user video search results);  
14 the first media element having a forward link to a second media element of the linear Web program,  
15 and to display a forward link indicator on the display device; receiving a first signal in response to  
16 an action of the user indicating an activation of the forward link indicator, and in response to the  
17 activation of the forward link indicator, sending data from the remote information node to display  
18 on the display device (e.g. Yahoo providing a forward link to the next media element and  
19 displaying the next media element); and receiving a second signal in response to an action of the  
20 user indicating an activation of the forward link indicator, and in response to the activation of the  
21 forward link indicator, sending data from the remote information node to display on the display  
22 device, the third media element of the linear Web program (e.g. Yahoo presenting a third media  
23 element after receiving a second signal). *See* Pls' P.R. 3-1 Infringement Contentions, Ex. D.  
24  
25  
26  
27  
28

1           48.     The Accused Instrumentalities infringe claim 7 of the '523 Patent as they perform  
2 the method of claim 6 and the forward link indicator includes a forward link button. *See* Pls' P.R.  
3 3-1 Infringement Contentions, Ex. D.

4           49.     The Accused Instrumentalities infringe claim 8 of the '523 Patent as they perform  
5 the method of claim 6 and the media elements include a series of backward links by sending data  
6 from the remote information node causing the display of a backward link on the display device. *See*  
7 Pls' P.R. 3-1 Infringement Contentions, Ex. D.

9           50.     The Accused Instrumentalities infringe claim 9 of the '523 Patent as they perform  
10 the method of claim 8 and including a second media elements with a backward link to the first  
11 media element, whereby receiving a third signal from a user action indicating activation of the  
12 backward, and in response to the activation of the backward link from the second webpage being  
13 displayed on the device, activating a backward link to the first media element of the linear web  
14 program. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. D.

16           51.     The Accused Instrumentalities infringe claim 10 of the '523 Patent as they perform  
17 the method of claim 9 and the linear web program includes a plurality of addresses the correspond  
18 to the plurality of media elements that are ordered in accordance with a linear sequence. *See* Pls'  
19 P.R. 3-1 Infringement Contentions, Ex. D.

21           52.     The Accused Instrumentalities infringe claim 11 of the '523 Patent as they perform  
22 the method of claim 6 and also store the linear web program at a remote information node. *See* Pls'  
23 P.R. 3-1 Infringement Contentions, Ex. D.

24           53.     As a result of Defendant's infringement of the '523 Patent, Hypermedia has suffered  
25 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
26  
27  
28

1 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
2 invention by Defendant, together with interest and costs as fixed by the court.

3  
4 **COUNT V**  
**INFRINGEMENT OF U.S. PATENT NO. 7,478,144**

5 54. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer  
6 for sale products and/or systems (*i.e.*, the Yahoo search engine and/or its Yahoo video search and/or  
7 Yahoo music) (the "Accused Instrumentalities")) that infringe claims 40, 44, 46, 47, 48, and 49 of  
8 the '144 patent.

9  
10 55. Upon information and belief, Defendant has been and is now infringing claims 40,  
11 44, 46, 47, 48, and 49 of the '144 Patent in the State of Texas, in this Judicial District, and  
12 elsewhere in the United States, by, among other things, directly or through intermediaries, making,  
13 using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or its  
14 Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or  
15 more claims of the '144 Patent to the injury of Hypermedia. Defendant is directly infringing,  
16 literally infringing, and/or infringing the '144 Patent under the doctrine of equivalents. Defendant  
17 is thus liable for infringement of the '144 Patent pursuant to 35 U.S.C. § 271(a).  
18

19 56. The Accused Instrumentalities infringe claim 40 of the '144 Patent as they perform  
20 the method of claim 39 and the user interface includes a viewing area in which at least one image of  
21 the plurality of found video media elements is presented and a map area in which information  
22 regarding some of the plurality of found video media elements is presented. *See* Pls' P.R. 3-1  
23 Infringement Contentions, Ex. E.  
24

25 57. The Accused Instrumentalities infringe claim 44 of the '144 Patent as they perform a  
26 method for performing a search for media elements and for providing the media elements to a  
27 subscriber station by receiving a search request from the subscriber station to perform a search for  
28

1 media elements (e.g. Yahoo receives a search request from a user); searching for media elements  
2 based upon the search request to produce a plurality of found media elements (e.g. Yahoo searches  
3 and produces a plurality of video search results); selecting, from the plurality of found media  
4 elements, a first media element; selecting from the plurality of found media elements, a plurality of  
5 second media elements (e.g. Yahoo video search provides a linear result of a first media element  
6 along with a plurality of second media elements); and creating a file for use by the subscriber  
7 station to create a user interface (e.g. Yahoo video search creates a return of results in a user  
8 interface format). *See* Pls' P.R. 3-1 Infringement Contentions, Ex. E.  
9

10           58.     The Accused Instrumentalities infringe claim 46 of the '144 Patent as they perform  
11 the method of claim 44 and the map area of the user interface includes links to the plurality of  
12 second media elements. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. E.  
13

14           59.     The Accused Instrumentalities infringe claim 47 of the '144 Patent as they perform  
15 the method of claim 44 and the media elements reside on different websites. *See* Pls' P.R. 3-1  
16 Infringement Contentions, Ex. E.  
17

18           60.     The Accused Instrumentalities infringe claim 48 of the '144 Patent as they perform  
19 the method of claim 44 and the information regarding the plurality of second media elements  
20 comprise icons representative of corresponding media elements. *See* Pls' P.R. 3-1 Infringement  
21 Contentions, Ex. E.  
22

23           61.     The Accused Instrumentalities infringe claim 49 of the '144 Patent as they perform  
24 the method of claim 44 and where the map area and display do not overlap. *See* Pls' P.R. 3-1  
25 Infringement Contentions, Ex. E.  
26

27           62.     As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered  
28 monetary damages and is entitled to a money judgment in an amount adequate to compensate for



1 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
2 invention by Defendant, together with interest and costs as fixed by the court.

3  
4 **COUNT VI**  
**INFRINGEMENT OF U.S. PATENT NO. 7,769,830**

5 63. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer  
6 for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or  
7 Yahoo music) (the "Accused Instrumentalities")) that infringe claims 1, 2, 3, 4, 5, 7, 12, 15, 16, 18,  
8 19, 24, and 25 of the '830 patent.

9  
10 64. Upon information and belief, Defendant has been and is now infringing claims 1, 2,  
11 3, 4, 5, 7, 12, 15, 16, 18, 19, 24, and 25 of the '830 Patent in the State of Texas, in this Judicial  
12 District, and elsewhere in the United States, by, among other things, directly or through  
13 intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo  
14 search engine and/or Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities,  
15 covered by one or more claims of the '830 Patent to the injury of Hypermedia. Defendant is  
16 directly infringing, literally infringing, and/or infringing the '830 Patent under the doctrine of  
17 equivalents. Defendant is thus liable for infringement of the '830 Patent pursuant to 35 U.S.C. §  
18 271(a).  
19

20  
21 65. The Accused Instrumentalities infringe claim 1 of the '830 Patent as they perform a  
22 method for operating at least one web server to present video media elements to a subscriber station  
23 by receiving a web page request from the subscriber station (e.g. the Yahoo server receives a  
24 request from a user); in response to receiving the web page request, the at least one web server  
25 creating at least one web page for use by a browser of the subscriber station to produce a user  
26 interface at the subscriber station that includes a viewing area and a map area (e.g. Yahoo generates  
27 a response viewable by a user that includes a viewing area and a map area); and responding to the  
28

1 web page request by the at least one web server by initiating download of the at least one web page  
2 to the subscriber station . *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.

3 66. The Accused Instrumentalities infringe claim 2 of the '830 Patent as they perform  
4 the method of claim 1 and receiving the web page request from the subscriber station includes the at  
5 least one web server receiving a search criteria and the at least one web server selecting the first  
6 video media element and the plurality of second video media elements based upon the search  
7 criteria (e.g. Yahoo selects videos based on the search term). *See* Pls' P.R. 3-1 Infringement  
8 Contentions, Ex. F.  
9

10 67. The Accused Instrumentalities infringe claim 3 of the '830 Patent as they perform  
11 the method of claim 1 and further receives a search criteria by the at least one web server from the  
12 subscriber station and selects the first video media element and the plurality of second video media  
13 elements by the at least one web server based upon the search criteria. *See* Pls' P.R. 3-1  
14 Infringement Contentions, Ex. F.  
15

16 68. The Accused Instrumentalities infringe claim 4 of the '830 Patent as they perform  
17 the method of claim 1 and receives a selection from the subscriber station of one of the plurality of  
18 second video media elements for display in the viewing area by the at least one web server. *See*  
19 Pls' P.R. 3-1 Infringement Contentions, Ex. F.  
20

21 69. The Accused Instrumentalities infringe claim 5 of the '830 Patent as they perform  
22 the method of claim 1 and includes a web server selecting the first video media element and the  
23 plurality of second video media elements based on the search criteria and at least one search  
24 preference. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.  
25

26 70. The Accused Instrumentalities infringe claim 7 of the '830 Patent as they perform  
27 the method of claim 1 and where the video media elements are selected by the web server after  
28

1 receipt of the web page request from the subscriber station. *See* Pls' P.R. 3-1 Infringement  
2 Contentions, Ex. F.

3           71. The Accused Instrumentalities infringe claim 12 of the '830 Patent as they perform  
4 the method of claim 1 and at least some icons of the map area convey subjects corresponding to  
5 second video media elements. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.  
6

7           72. The Accused Instrumentalities infringe claim 15 of the '830 Patent as they perform a  
8 method for presenting video media elements to a subscriber station by at least one web server by  
9 creating at least one web page by the at least one web server for use by a browser of the subscriber  
10 station to produce a user interface at the subscriber station that includes a viewing area in which a  
11 first video media element is presented and a map area in which a plurality of icons are presented  
12 (e.g. Yahoo creates a web page for use by the subscriber station), each icon representative of a  
13 corresponding one of a plurality of second video media elements; receiving a web page request  
14 from the subscriber station; and responding to the web page request by initiating download of the at  
15 least one web page to the subscriber station. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.  
16

17           73. The Accused Instrumentalities infringe claim 16 of the '830 Patent as they perform  
18 the method of claim 15 and the plurality of video media elements are selected by the web server  
19 after receipt of the web page request from the subscriber station. *See* Pls' P.R. 3-1 Infringement  
20 Contentions, Ex. F.  
21

22           74. The Accused Instrumentalities infringe claim 18 of the '830 Patent as they perform  
23 the method of claim 15 and further receives a search criteria and selects the first video media  
24 element and the plurality of second video media elements by based upon the search criteria (e.g.  
25 Yahoo selects videos based on a search term). *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.  
26  
27  
28

1           75.     The Accused Instrumentalities infringe claim 19 of the '830 Patent as they perform  
2 the method of claim 15 and further receives a selection from the subscriber station of the plurality  
3 of second video media elements for displaying in the viewing area. *See* Pls' P.R. 3-1 Infringement  
4 Contentions, Ex. F.

5           76.     The Accused Instrumentalities infringe claim 24 of the '830 Patent as they perform  
6 the method of claim 15 and at least some icons of the map area convey subjects of corresponding  
7 second video media elements. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.

8           77.     The Accused Instrumentalities infringe claim 25 of the '830 Patent as they perform  
9 the method of claim 15 and the plurality of video media elements for presentation to the subscriber  
10 station resides on a common Web site. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. F.

11           78.     As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered  
12 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
13 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
14 invention by Defendant, together with interest and costs as fixed by the court.  
15

16  
17  
18   **COUNT VII**  
19   **INFRINGEMENT OF U.S. PATENT NO. 8,250,173**

20           79.     Defendant directly or through its intermediaries, make, use, import, sell, and/or offer  
21 for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or  
22 Yahoo music) (the "Accused Instrumentalities") that infringe claims 1, 2, 5, 6, 7, 8, 9, 11, 12, 13,  
23 15, 16, 20, 24, and 25 of the '173 patent.

24           80.     Upon information and belief, Defendant has been and is now infringing claims 1, 2,  
25 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 20, 24, and 25 of the '173 Patent in the State of Texas, in this  
26 Judicial District, and elsewhere in the United States, by, among other things, directly or through  
27 intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo  
28

1 search engine and/or Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities,  
2 covered by one or more claims of the '173 Patent to the injury of Hypermedia. Defendant is  
3 directly infringing, literally infringing, and/or infringing the '173 Patent under the doctrine of  
4 equivalents. Defendant is thus liable for infringement of the '830 Patent pursuant to 35 U.S.C. §  
5 271(a).  
6

7 81. The Accused Instrumentalities infringe claim 1 of the '173 Patent as they perform a  
8 method for operating at least one web server to present video media elements to a subscriber station  
9 by receiving a web page request from the subscriber station (e.g. the Yahoo server receives a  
10 request from a user); in response to receiving the web page request, the at least one web server  
11 accessing a web page for use by a browser of the subscriber station to produce a user interface at the  
12 subscriber station (e.g. Yahoo generates a response viewable by a user that includes a viewing area  
13 and a map area) and responding to the web page request by the at least one web server by initiating  
14 download of the at least one web page to the subscriber station. *See* Pls' P.R. 3-1 Infringement  
15 Contentions, Ex. G.  
16

17 82. The Accused Instrumentalities infringe claim 2 of the '173 Patent as they perform  
18 the method of claim 1 and the preview of the first media element comprises a still image. *See* Pls'  
19 P.R. 3-1 Infringement Contentions, Ex. G.  
20

21 83. The Accused Instrumentalities infringe claim 5 of the '173 Patent as they perform  
22 the method of claim 1 and further receives a selection from the subscriber station of the  
23 corresponding video media element and services the selection by causing presentation of the  
24 corresponding video media element on the subscriber station. *See* Pls' P.R. 3-1 Infringement  
25 Contentions, Ex. G.  
26  
27  
28

1           84.     The Accused Instrumentalities infringe claim 6 of the '173 Patent as they perform  
2 the method of claim 1 and further receives a selection from the subscriber station of one of the  
3 plurality of second video media and services the selection by causing presentation of the selected  
4 one of the plurality of second video media elements on the subscriber station. *See* Pls' P.R. 3-1  
5 Infringement Contentions, Ex. G.  
6

7           85.     The Accused Instrumentalities infringe claim 7 of the '173 Patent as they perform  
8 the method of claim 1 and further receives a search criteria from the subscriber station and selects  
9 the first video media element and the plurality of second video media elements based upon the  
10 search criteria. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.  
11

12           86.     The Accused Instrumentalities infringe claim 8 of the '173 Patent as they perform  
13 the method of claim 7 and further receives a selection from the subscriber station of one of the  
14 plurality of second video media elements for display in the viewing area. *See* Pls' P.R. 3-1  
15 Infringement Contentions, Ex. G.  
16

17           87.     The Accused Instrumentalities infringe claim 9 of the '173 Patent as they perform  
18 the method of claim 1 and receiving the web page request from the subscriber station by the at least  
19 one web server includes receiving a search criteria and at least one search preference and further  
20 comprises selecting the first video media element and the plurality of second video media elements  
21 based upon the search criteria and the at least one search preference. *See* Pls' P.R. 3-1 Infringement  
22 Contentions, Ex. G.  
23

24           88.     The Accused Instrumentalities infringe claim 11 of the '173 Patent as they perform  
25 the method of claim 1 and the plurality of video media elements are selected by the at least one web  
26 server after receipt of the web page request from the subscriber station. *See* Pls' P.R. 3-1  
27 Infringement Contentions, Ex. G.  
28

1           89.     The Accused Instrumentalities infringe claim 12 of the '173 Patent as they perform  
2 the method of claim 1 and at least some icons of the map area convey subjects of corresponding  
3 second video media elements. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.

4           90.     The Accused Instrumentalities infringe claim 13 of the '173 Patent as they perform  
5 the method of claim 1 and the plurality of video media elements for presentation to the subscriber  
6 station reside on a common Web site. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.

7           91.     The Accused Instrumentalities infringe claim 15 of the '173 Patent as they perform a  
8 method for presenting video media elements to a subscriber station by at least one web server by  
9 receiving a web page request from the subscriber station that includes a search criteria (e.g. the  
10 Yahoo Video search receives a web page request that includes a search criteria); retrieving a  
11 plurality of video media elements based upon the search criteria; creating at least one web page by  
12 the at least one web server for use by a browser of the subscriber station to produce a user interface  
13 (e.g. Yahoo generates a response viewable by a user that includes a viewing area and a map area);  
14 and responding to the web page request by the at least one web server by initiating download of the  
15 at least one web page to the subscriber station . *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.  
16  
17  
18

19           92.     The Accused Instrumentalities infringe claim 16 of the '173 Patent as they perform  
20 the method of claim 15 and further receives a selection from the subscriber station of a  
21 corresponding video media element and services the selection by causing presentation of the  
22 corresponding video media element on the subscriber station. *See* Pls' P.R. 3-1 Infringement  
23 Contentions, Ex. G.

24           93.     The Accused Instrumentalities infringe claim 20 of the '173 Patent as they perform  
25 the method of claim 15 and further receives a selection from the subscriber station of one of the  
26 selected one of the plurality of second video media elements and services the selection by causing  
27  
28

1 presentation of the selected one of the plurality of second video media elements on the subscriber  
2 station. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.

3 94. The Accused Instrumentalities infringe claim 24 of the '173 Patent as they perform  
4 the method of claim 15 and at least some icons of the map area convey subjects of corresponding  
5 video media elements. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.  
6

7 95. The Accused Instrumentalities infringe claim 25 of the '173 Patent as they perform  
8 the method of claim 15 and the plurality of video media elements for presentation to the subscriber  
9 station resides on a common Web site. *See* Pls' P.R. 3-1 Infringement Contentions, Ex. G.

10 96. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered  
11 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
12 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
13 invention by Defendant, together with interest and costs as fixed by the court.  
14

15 **COUNT VIII**  
16 **INFRINGEMENT OF U.S. PATENT NO. 9,083,672**

17 97. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer  
18 for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or  
19 Yahoo Music) (the "Accused Instrumentalities")) that infringe claims 14, 15, 16, 17, 18, and 19 of  
20 the '672 patent.  
21

22 98. Upon information and belief, Defendant has been and is now infringing claim 14, 15,  
23 16, 17, 18, and 19 of the '672 Patent in the State of Texas, in this Judicial District, and elsewhere in  
24 the United States, by, among other things, directly or through intermediaries, making, using,  
25 importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video  
26 search and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of  
27 the '672 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing,  
28



1 and/or infringing the '672 Patent under the doctrine of equivalents. Defendant is thus liable for  
2 infringement of the '672 Patent pursuant to 35 U.S.C. § 271(a).

3 99. The Accused Instrumentalities infringe claim 14 of the '672 Patent as they perform a  
4 method for presenting a linear program of video elements by displaying a plurality of indicators in a  
5 map area of a display screen (e.g. Yahoo Video Search displays a plurality of potential videos in a  
6 map area); displaying a forward link indicator corresponding to a next program element of the  
7 linear program of video elements (e.g. Yahoo Video Search provides a forward link tied to a next  
8 video); selecting the next program element of the linear program of video elements in response to a  
9 user selection of the forward link indicator; and displaying the selected next program element in a  
10 viewing area of the display screen, wherein the video elements are stored on a server. *See* Pls' P.R.  
11 3-1 Infringement Contentions, Ex. H.  
12  
13

14 100. The Accused Instrumentalities infringe claim 15 of the '672 Patent as they perform  
15 the method of claim 14 and in response to a user selection of one of the plurality of indicators,  
16 selecting a selected video element corresponding to one of the first, second, or third video element.  
17 *See* Pls' P.R. 3-1 Infringement Contentions, Ex. H.  
18

19 101. The Accused Instrumentalities further infringe claim 16 of the '672 Patent as they  
20 perform the method of claim 14 and in response to user selection of one of the plurality of  
21 indicators, highlights the corresponding on of the first, second, or third video element. *See* Pls' P.R.  
22 3-1 Infringement Contentions, Ex. H.  
23

24 102. The Accused Instrumentalities further infringe claim 17 of the '672 Patent as they  
25 perform the method of claim 14 and displays a backward link indicator corresponding to a previous  
26 program element of a linear program of video elements. *See* Pls' P.R. 3-1 Infringement  
27 Contentions, Ex. H.  
28



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

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

5 Dated: August 19, 2017

6 By: /s/ Hao Ni  
Hao Ni

7 **Attorney for Plaintiff Hypermedia**  
8 **Navigation LLC**

9 **CERTIFICATE OF SERVICE**

10 I certify that all counsel of record is being served on August 19, 2017, with a copy of this document  
11 via the Court's CM/ECF system.

12 /s/ Hao Ni

13 \_\_\_\_\_  
HAO NI

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28