

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TELE-PUBLISHING, INC.,

Plaintiff,

v.

FACEBOOK, INC. and
THEFACEBOOK LLC,

Defendants.

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) C.A. No. 09-11686-DPW
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**FIRST AMENDED COMPLAINT
AND JURY DEMAND**

PARTIES

1. Plaintiff Tele-Publishing, Inc. ("TPI") is a corporation organized and existing under the laws of Massachusetts with a principal place of business at 126 Brookline Avenue, Boston, Massachusetts.

2. On information and belief, Defendant Facebook, Inc. is a corporation organized and existing under the laws of Delaware with a principal place of business at 165 University Avenue, Palo Alto, California.

3. On information and belief, Defendant TheFacebook LLC is a limited liability company organized and existing under the laws of Florida. Its sole member is Facebook, Inc.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the dispute pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants pursuant to the Massachusetts long-arm statute, G.L. c. 223A, § 3. Defendants do business and have infringed, and continue to infringe, the patent-in-suit in this district.

6. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

COUNT I
(Infringement of United States Patent No. 6,253,216)

7. TPI is the owner by assignment of United States Patent No. 6,253,216 (the “‘216 patent”) for a “Method and Apparatus For Providing a Personal Page” issued by the United States Patent and Trademark Office on June 26, 2001. A copy of the ‘216 patent is attached hereto as Exhibit A.

8. On information and belief, Defendants own and operate a web site accessible on the World Wide Web at <http://www.facebook.com/> (“Facebook.com”). Facebook.com allows users to create and share personal profiles in which information—such as contact and personal information, pictures, and interests—is stored and made accessible to other users. Each user has the ability to control which other users can access his/her personal page (*e.g.*, by adding “Friends”). Facebook.com’s computer network and method of creating and sharing a personal page is covered by one or more claims of the ‘216 patent.

9. On information and belief, Defendants are now, and have previously been, using, selling, offering for sale, advertising, and marketing services and products related to Facebook.com that infringe the ‘216 patent in violation of 35 U.S.C. § 271.

10. Defendants’ acts of infringement have been without express or implied license from TPI and are in violation of TPI’s rights.

11. On information and belief, Defendants will continue to infringe the ‘216 patent unless enjoined by this Court.

12. TPI has been damaged by Defendants’ infringement. Defendants have made and are making unlawful gains and profits from its infringement of the ‘216 patent and have thereby

deprived and continue to deprive TPI of rights and remuneration which would have accrued to it but for Defendants' conduct.

PRAYER FOR RELIEF

WHEREFORE, TPI prays that this Court:

- A. Enter judgment in TPI's favor on Count I in an amount to be determined at trial to compensate TPI for Defendants' infringement of the '216 patent, together with prejudgment and postjudgment interest;
- B. Treble the damages awarded to TPI on Count I pursuant to 35 U.S.C. § 284;
- C. Award TPI its attorneys' fees pursuant to 35 U.S.C. § 285;
- D. Enter a permanent injunction against further infringement of the '216 patent by Defendants, their officers, agents, servants, representatives, employees, attorneys, successors, assigns and all those persons and entities in active concert or participation with Defendants; and
- E. Grant such other and further relief as this Court deems just and proper.

JURY DEMAND

TPI demands a trial by jury on all issues so triable.

TELE-PUBLISHING, INC.,

By its attorneys,

/s/ Shane P. Early

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Dated: July 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that, on July 7, 2010, a copy of the foregoing document was filed through the electronic filing system and served electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Shane P. Early