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 CLERK U.S. DISTRICT COURT
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FILED

12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

BY FAX

14 Vellata, LLC,
 15 Plaintiff,
 16 v.
 17 Yellow Book USA, Inc., Ingenio, Inc., d.b.a.
 18 AT&T Interactive and YELLOW-
 19 PAGES.COM LLC d.b.a. AT&T, Interactive,
 20 Defendants.

2:09-cv-06642-AHM (AGRx)
 FIRST AMENDED COMPLAINT FOR
 DAMAGES AND EQUITABLE RELIEF
 FOR PATENT INFRINGEMENT
 JURY TRIAL DEMANDED

21 For its complaint against defendants Yellow Book USA, Inc. (Yellow Book)
 22 and Ingenio, Inc., d.b.a. AT&T Interactive (Ingenio) and YELLOWPAGES.COM
 23 LLC d.b.a. AT&T Interactive (Yellowpages.com), plaintiff Vellata, LLC (Vellata)
 24 alleges as follows:

25 **A. STATEMENT OF JURISDICTION AND VENUE**

- 26 1. This is a complaint for patent infringement.
- 27 2. The court has subject matter jurisdiction under 28 U.S.C. § 1338(a).
- 28 3. Venue in this court is proper against Yellow Book, Ingenio and Yellow-
 pages.com under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) because, on informa-
 tion and belief, Yellow Book, Ingenio and Yellowpages.com reside in this district,
 and a substantial part of the claims arose in this district. Yellow Book, Ingenio and
 Yellowpages.com are corporate entities. Each is found in this district, and each

1 committed and continues to commit the acts alleged to be patent infringement in this
2 district.

3 **B. THE PARTIES**

4 4. Plaintiff Vellata is a California limited liability company that has a prin-
5 cipal place of business at 310 N. Westlake Blvd., Suite 120, Westlake Village, Cali-
6 fornia.

7 5. Defendant Yellow Book is a Delaware corporation with its principal
8 place of business at 398 RXR Plaza, Uniondale, NY 11556.

9 6. Defendant Ingenio is a Delaware corporation with its principal place of
10 business at 201 Mission St., Suite 200, San Francisco, CA 94105.

11 7. Defendant Yellowpages.com is a Delaware limited liability company
12 with its principal place of business at 611 N. Brand Blvd., 5th Floor, Glendale, CA
13 91203.

14 8. Yellow Book does business in this district, is registered to do business in
15 California and has a registered agent for service of process in this district. Yellow
16 Book also committed and continues to commit the acts alleged to be patent in-
17 fringement in this district.

18 9. Ingenio does business in this district, is registered to do business in Cali-
19 fornia and has a registered agent for service of process in this district. Ingenio also
20 committed and continues to commit the acts alleged to be patent infringement in this
21 district.

22 10. Yellowpages.com does business in this district, is registered to do busi-
23 ness in California and has a registered agent for service of process in this district.
24 Yellowpages.com also committed and continues to commit the acts alleged to be
25 patent infringement in this district.

1 **C. THE PATENT IN SUIT**

2 11. On July 3, 2007, the United States Patent and Trademark Office (PTO)
3 issued Patent No. 7,240,290 (the “‘290 Patent”) entitled “Telephone Call Initiation
4 Through an On-line Search.” (Exhibit 1).

5 12. On February 24, 2009, the PTO issued Patent No. 7,496,858 (the “‘858
6 Patent”) entitled “Telephone Call Initiation Through an On-line Search.” (Exhibit 2).

7 13. By assignment, Vellata is the sole owner of the ‘290 and ‘858 Patents in-
8 cluding the right to sue for past and current infringement.

9 14. The ‘290 and ‘858 Patents are valid and enforceable.

10 15. The ‘290 and ‘858 patents describe and claim systems and methods
11 through which a hit list is displayed in response to a search on the Internet by a user.
12 The user can contact companies in the hit list by clicking on a link adjacent the hit,
13 which causes a telephone call to be initiated between the listed company and the
14 user.

15 **E. FIRST CLAIM FOR RELIEF – PATENT INFRINGEMENT AGAINST YELLOW**
16 **BOOK**

17 16. Vellata repeats and incorporates by reference paragraphs 1 through 13 of
18 this complaint.

19 17. Yellow Book owns, operates and networks yellow page-type directory in-
20 formation web sites including Yellowbook.com. Listings of companies on these sites
21 include a phone number hyperlink. Clicking on the hyperlink causes a telephone call
22 to be initiated between the listed company and the user’s designated phone.

23 18. Through the aforementioned system, Yellow Book has been and now is
24 directly and indirectly infringing the ‘290 and ‘858 Patents.

25 19. Vellata has been damaged by Yellow Book’s infringement in an amount
26 presently unknown. In addition, Yellow Book’s continued infringement will irrepa-
27 rably harm Vellata.

28 20. Vellata has no adequate remedy at law.

1 **F. SECOND CLAIM FOR RELIEF – PATENT INFRINGEMENT AGAINST INGENIO**
2 **AND YELLOWPAGES.COM**

3 21. Vellata repeats and incorporates by reference paragraphs 1 through 20 of
4 this complaint.

5 22. On information and belief, Ingenio and Yellowpages.com owns, operates
6 and networks yellow page-type directory information web sites including Yellow-
7 pages.com (website) and AnyWho. Listings of companies on these sites include a
8 “call” hyperlink. Clicking on the hyperlink causes a telephone call to be initiated be-
9 tween the listed company and the user’s designated phone.

10 23. Through the aforementioned web sites, Ingenio and Yellowpages.com
11 has been and now is directly and indirectly infringing the ‘290 and ‘858 Patents.

12 24. Vellata has been damaged by Ingenio and Yellowpages.com’s infringe-
13 ment in an amount presently unknown. In addition, Ingenio and Yellowpages.com’s
14 continued infringement will irreparably harm Vellata.

15 25. Vellata has no adequate remedy at law.

16 **G. RELIEF REQUESTED**

17 Wherefore, Vellata requests that this court:

18 26. Declare that Yellow Book infringes the ‘290 and ‘858 Patents and that
19 the ‘290 and ‘858 Patents are valid and enforceable;

20 27. Declare that Ingenio and Yellowpages.com infringe the ‘290 and ‘858
21 Patents and that the ‘290 and ‘858 Patents are valid and enforceable;

22 28. Enjoin and restrain Yellow Book and its officers, agents, servants, em-
23 ployees, and attorneys, and those persons in active concert or participation with them
24 who receive actual notice by personal service or otherwise from infringing or aiding,
25 inducing or abetting the infringement of the ‘290 and ‘858 Patents;

26 29. Enjoin and restrain Ingenio and Yellowpages.com and each of their offi-
27 cers, agents, servants, employees, and attorneys, and those persons in active concert
28 or participation with them who receive actual notice by personal service or otherwise

1 from infringing or aiding, inducing or abetting the infringement of the '290 and '858
2 Patents;

3 30. Direct Yellow Book to deliver up and destroy within 30 days after entry
4 of judgment any products that infringe the '290 and '858 Patents;

5 31. Direct Ingenio and Yellowpages.com to deliver up and destroy within 30
6 days after entry of judgment any products that infringe the '290 and '858 Patents;

7 32. Enter judgment against Yellow Book awarding Vellata its damages in an
8 amount to be proved at trial;

9 33. Enter judgment against Ingenio and Yellowpages.com awarding Vellata
10 its damages in an amount to be proved at trial;

11 34. Treble the damages that both defendants caused under 35 U.S.C. § 284;

12 35. Hold the case to be exceptional and direct Yellow Book and Ingenio and
13 Yellowpages.com to pay Vellata's attorneys fees;

14 36. Award Vellata its costs; and

15 37. Award Vellata such other and further relief as the court may deem just
16 and proper.

17 October 2, 2009

Michael Harris

Michael D. Harris
SoCal IP Law Group LLP

Attorneys for Plaintiff Vellata, LLC

JURY TRIAL DEMAND

21 Plaintiff Vellata, LLC hereby demands a jury trial on all claims against all de-
22 fendants.

23 October 2, 2009

Michael Harris

Michael D. Harris
SoCal IP Law Group LLP

Attorneys for Plaintiff Vellata, LLC

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AO 440 (Rev. 02/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

Vellata, LLC

Plaintiff

v.

Yellow Book USA, Inc., Ingenio, Inc., d.b.a. AT&T Interactive
and YELLOW-PAGES.COM LLC d.b.a. AT&T, Interactive

Defendant

Civil Action No. 2:09-cv-06642-AHM (AGRx)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael D. Harris
SOCAL IP LAW GROUP LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362-3788

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: - 5 OCT 2009

CLERK OF COURT

Manly Davis

Signature of Clerk or Deputy Clerk

