

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

INTERNETAD SYSTEMS, LLC,

Plaintiff,

v.

OPODO LIMITED, AMADEUS GLOBAL  
TRAVEL DISTRIBUTION S.A., AMADEUS  
NORTH AMERICA, LLC, OPENTABLE,  
INC. and BEST WESTERN  
INTERNATIONAL, INC.

Defendants.

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CIVIL ACTION NO. 3-06CV1084-P  
("ECF")

**JURY TRIAL DEMANDED**

**PLAINTIFF'S FIRST AMENDED ORIGINAL COMPLAINT**

Plaintiff INTERNETAD SYSTEMS, LLC files this Original Complaint against Defendant OPODO LIMITED, AMADEUS IT GROUP, S.A., AMADEUS NORTH AMERICA, INC, OPENTABLE, INC., and BEST WESTERN INTERNATIONAL, INC., alleging as follows:

**I. THE PARTIES**

1. Plaintiff INTERNETAD SYSTEMS, LLC is a limited liability company organized and existing under the laws of the State of Illinois, with its principal place of business in Newport Beach, California.

2. Upon information and belief, OPODO LIMITED is a United Kingdom Private Limited Company with a principal place of business located at Waterfront Hammersmith Embankment Chancellors Road, London W6 9RU. Upon information and belief, Opodo engages in business in the State of Texas but does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the TEX. CIV. PRAC. &



REM. CODE, Opodo has designated the Secretary of State as its agent for service of process and, in fact, has been served with process by serving the Secretary of State.

3. AMADEUS IT GROUP, S.A. (f/k/a Amadeus Global Travel Distribution, S.A.) is a foreign corporation organized and existing under the laws of Spain. Upon information and belief, Amadeus IT engages in business in the State of Texas but does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, Amadeus IT has designated the Secretary of State as its agent for service of process and, in fact, has been served with process by serving the Secretary of State.

4. Upon information and belief, AMADEUS NORTH AMERICA, INC. is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located in Miami, Florida. Amadeus North America has been served with process by serving its registered agent, The Prentice Hall Corporation, 701 Brazos Street, Suite 1050, Austin, TX 78701.

5. OPENTABLE, INC. is a corporation organized and existing under the laws of the state of Delaware. Upon information and belief, OpenTable engages in business in the State of Texas but does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, OpenTable has designated the Secretary of State as its agent for service of process and, in fact, has been served with process by serving the Secretary of State.

6. Upon information and belief, BEST WESTERN INTERNATIONAL, INC. is a corporation organized and existing under the laws of the State of Arizona, with its principal place of business in Phoenix, Arizona. Best Western has been served with process by serving its registered agent, Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

## **II. JURISDICTION AND VENUE**

7. This is an action for infringement of certain United States patents. This Court has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

8. Upon information and belief the Defendants have minimum contacts with the Dallas Division of the Northern District of Texas such that this venue is a fair and reasonable one. The Defendants have committed such purposeful acts and/or transactions in Texas that they reasonably knew and expected that they could be hailed into a Texas court as a future consequence of such activity. Upon information and belief, the Defendants have transacted and, at the time of the filing of this Complaint, are transacting businesses within the Dallas Division of the Northern District of Texas. The Defendants' contacts with the Dallas Division of the Northern District of Texas include: (i) actions specifically related to the websites and attendant technology made the subject of the causes of action asserted herein; and/or (ii) continuous and systematic contacts with Texas that are unrelated to the asserted causes of action. Additionally, the inventor of the patents in suit is a resident of the Northern District of Texas. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

9. Opodo provides online travel-related services worldwide. Upon information and belief, United States residents (including Texas residents) book flights and/or other travel-related services for travel to, from, and/or within the United States through Opodo's website(s). In fact, industry publications indicate that Opodo has traditionally offered better fares than its American rivals (such as Travelocity) which spend millions of dollars on advertising and marketing.

10. Amadeus IT is an e-commerce provider of travel-related technology and distribution solutions. Amadeus North America is an affiliate of, subsidiary of, and/or business unit within Amadeus IT and provides online travel-related technology from offices and operational facilities in the United States. Amadeus IT is the majority and controlling shareholder in Opodo, and Opodo is said to be “managed under Amadeus’ umbrella.” “Amadeus” is also said to be “the technology provider of Opodo.” Upon information and belief, Amadeus IT and/or Amadeus North America provide to Opodo the very technology responsible for Opodo’s patent infringements. In addition, Amadeus IT and/or Amadeus North America do business with United States companies and residents and have generally appeared in litigation in this country.

**III. PATENT INFRINGEMENT**

11. The following related United States Patents (the “Patents”) were duly and legally issued on the dates indicated:

<u>Patent No.</u>	<u>Entitled</u>	<u>Date of Issuance</u>
5,572,643	Web Browser with Dynamic Display of Information Objects During Linking	November 5, 1996
5,737,619	World Wide Web Browser with Content Delivery Over an Idle Connection and Interstitial Content Display	April 7, 1998
6,185,586	Content Display During Idle Time as a User Waits for Information During an Internet Transaction	February 6, 2001
6,457,025	Interstitial Advertising Display System and Method	September 24, 2002

12. True and correct copies of the Patents are attached hereto as Exhibits “A”, “B”, “C”, and “D”, respectively.

13. By license, Plaintiff has the right to make, have made, use, offer, or sell products or services covered by the Patents. And Plaintiff has all substantial rights in and to the Patents,

including the sole and exclusive right to both grant licenses to the Patents and enforce the Patents with respect to the universe of infringers, including the Defendants.

14. Upon information and belief, the Defendants manufacture, make, have made, and/or use products and/or systems that infringe at least one or more claims in the Patents; and/or induce or contribute to the infringement of at least one or more of the claims in the Patents by others.

15. Specifically, the Defendants each own and/or operate and/or provide relevant technology to one or more websites available over the World Wide Web – commonly referred to as the Internet – through which they make their respective products and/or services available to, or for use by, the world at large. The Defendants infringe the Patents through certain of these websites and certain technologies employed thereon.

16. More specifically, Amadeus North America maintains an e-commerce business unit known as e-Travel. According to the Amadeus North America website, the e-Travel Business Unit “provides online travel technology and booking solutions to airlines, corporations, travel agencies and other online travel businesses” through, at least, the e-Travel Planitgo application. Planitgo is “a fully customizable online booking engine, serving leading airline, travel supplier, travel agency and consumer travel sites.”

17. The e-Travel Business Unit is represented on the Amadeus website as “the global leader in online travel technology.” Further the site states that “[p]arent company, Amadeus, is the leading global distribution solution and technology provider serving the marketing, sales and distribution needs of the world’s travel and tourism industries.”

18. The e-Travel Business Unit booking solution customers are said to include Defendant Opodo, as well as TQ3 Travel Solutions, American Express, Travellink, Four Seasons Hotels, Adams Mark Hotels, Air France, Iberia Airlines, and Qantas, among others. Upon information and belief, it

is at least the e-Travel Business Unit booking solution technologies (including the Planitgo application) which are implicated by this lawsuit for their implementation of “please wait” type interstitial web pages that appear during travel-related search processes performed on e-Travel customer websites.

19. Plaintiff has been damaged as a result of the Defendants’ various infringing conduct. The Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

20. Upon information and belief, the Defendants will continue their infringements of the Patents unless enjoined by the Court. The Defendants’ infringing conduct causes Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

#### **IV. JURY DEMAND**

21. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against the Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 5,572,643, United States Patent No. 5,737,619, United States Patent No. 6,185,586, and United States Patent No. 6,457,025 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement the Defendants have contributed and/or by others whose infringement has been induced by the Defendants;
- b. Judgment that the Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of the Defendants’ infringing activities and other conduct complained of herein;

- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the Defendants' infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That the Defendants be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent No. 5,572,643, United States Patent No. 5,737,619, United States Patent No. 6,185,586, and United States Patent No. 6,457,025; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: September \_\_, 2006**

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on September \_\_, 2006 I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the Court. The electronic case files systems sent a "Notice of Electronic Filing" to the following individuals by electronic means:

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