

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

ORBITZ WORLDWIDE, INC.,

Defendant.

Civil Action No. 2:10-cv-00059

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiff, Parallel Networks, LLC, brings this action for patent infringement and alleges the following:

I. PARTIES

1. Plaintiff Parallel Networks, LLC (“Parallel Networks”) is a Texas limited liability company with its principal place of business in Dallas, Dallas County, Texas.

2. On information and belief, defendant Orbitz Worldwide, Inc. (“Orbitz”) is a corporation duly organized and existing under the laws of Delaware, with its principal place of business at 500 West Madison Street, Suite 1000, Chicago, Illinois 60661, and is doing business in the Eastern District and elsewhere in the State of Texas.

II. JURISDICTION AND VENUE

3. This infringement action arises under the patent laws of the United States, title 35, United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a).

4. Orbitz has done—and continues to do—business in the Eastern District of Texas. Orbitz has minimum contacts with the Eastern District of Texas such that this venue is a fair and reasonable one. Orbitz has committed purposeful acts or transactions in the State of Texas such

that it reasonably knew and expected that it could be haled into a Texas court as a consequence of such activity. Accordingly, venue in the Eastern District of Texas is proper under 28 U.S.C. §§ 1391(b), 1400(b).

5. This case is related to, and involves the same patents involved in the following actions pending in the United States District Court for the Eastern District of Texas, Marshall Division: *Parallel Networks, LLC v. Netflix, Inc., et al.*, Civil Action No. 2:07-cv-562-DF; *Parallel Networks, LLC v. Priceline.com Inc., et al.*, Civil Action No. 2:08-cv-45-DF; *Parallel Networks, LLC v. Saks Inc.*, Civil Action No. 2:09-cv-367-DF. This case is related to, and involves the same patents involved in the following prior actions filed in the United States District Court for the Eastern District of Texas, Marshall Division: *epicRealm Licensing, LLC v. Autoflex Leasing, Inc., et al.*, Civil Action No. 5:07-cv-125-DF-CMC; *epicRealm Licensing, LLC v. Franklin Covey Co., et al.*, Civil Action No. 5:07-cv-126-DF; and *epicRealm Licensing, LP v. Various, Inc., et al.*, Civil Action No. 5:07-cv-135-DF-CMC.

III. PATENT INFRINGEMENT

6. On April 13, 1999, and July 2, 2002, United States Patent Nos. 5,894,554 and 6,415,335 B1, which are collectively referred to as the “Parallel Networks Patents,” duly and legally issued. These two patents concern, among other things, systems and methods for managing dynamic Web page generation requests. Copies of the Parallel Networks Patents are attached hereto as Exhibits “A” and “B” and made a part hereof.

7. Parallel Networks is the owner of the Parallel Networks Patents and has the right to enforce those patents with respect to Orbitz.

8. Parallel Networks and its predecessors in interest to the Parallel Networks Patents marked all or substantially all of its products covered by the Parallel Networks Patents in

accordance with 35 U.S.C. § 287(a), and Orbitz received constructive notice of the Parallel Networks Patents prior to the filing of this lawsuit, in accordance with 35 U.S.C. § 287(a).

9. On information and belief, Orbitz makes and/or uses systems and methods for managing dynamic Web page generation requests within the scope of one or more of the claims of the Parallel Networks Patents. As a result, Orbitz has been and still is infringing one or more of the claims of the Parallel Networks Patents as defined by 35 U.S.C. § 271 (a), (b), and/or (c). Parallel Networks has suffered damage by reason of defendants' infringement and will continue to suffer additional damage until this Court enjoins the infringing conduct.

10. To the extent that Orbitz has continued or does continue its infringing activities after receiving notice of the Parallel Networks Patents, including after it received notice when Parallel Networks sued its subsidiary Orbitz LLC in *Parallel Networks, LLC v. Priceline.com Inc., et al.*, Civil Action No. 2:08-cv-45-DF, in the United States District Court for the Eastern District of Texas, Marshall Division, such infringement is willful, entitling Parallel Networks to the recovery of increased damages under 35 U.S.C. § 284.

11. This is an "exceptional case" justifying an award of attorneys' fees and costs to Parallel Networks pursuant to 35 U.S.C. § 285.

12. Parallel Networks believes that Orbitz will continue to infringe the Parallel Networks Patents unless enjoined by this Court. Such infringing activity causes Parallel Networks irreparable harm and will continue to cause such harm without the issuance of an injunction.

IV. JURY DEMAND

13. Plaintiff requests trial by jury pursuant to Federal Rule of Civil Procedure 38.

V. PRAYER FOR RELIEF

14. Parallel Networks requests that the Court find in its favor and against Orbitz and that the Court grant the following relief:

- a. Judgment that one or more of the claims of the Parallel Networks Patents have been infringed, either literally and/or under the doctrine of equivalents, by Orbitz;
- b. Judgment in favor of Parallel Networks for the full amount of its actual damages caused by Orbitz's infringing activities, including an assessment of interest and costs;
- c. Judgment for increased damages for willful infringement pursuant to 35 U.S.C. § 284;
- d. Judgment that this is an "exceptional case" and awarding Parallel Networks its reasonable attorneys' fees and costs pursuant to 35 U.S.C. § 285;
- e. That Orbitz be permanently enjoined from further activity or conduct that infringes the claims of the Parallel Networks Patents; and
- f. That the Court award Parallel Networks such other and further relief as is just and proper under the circumstances.

DATED: February 23, 2010

By: /s/ Daniel J. Shih

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