

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

WALT DISNEY PARKS AND RESORTS  
ONLINE

Defendant.

Civil Action No. 6:11-cv-631

Jury Trial Demanded

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Parallel Networks, LLC files this Original Complaint for Patent Infringement against WALT DISNEY PARKS AND RESORTS ONLINE.

**THE PARTIES**

1. Parallel Networks LLC (“Parallel Networks” or “Plaintiff”) is a Texas Limited Liability Company with its place of business at 5000 Legacy Drive, Suite 470, Plano, Texas 75074.

2. On information and belief, Defendant WALT DISNEY PARKS AND RESORTS ONLINE (“Defendant”), is a corporation with a place of business in Burbank, California.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction, pursuant to due process and the Texas Long Arm Statute, due at least to its substantial business in this forum, including at least a portion of the infringements alleged herein.

Without limitation, on information and belief, within this state the Defendant has made and used the patented invention and has induced and contributed to that infringement with the systems identified herein below. In addition, on information and belief, Defendant has derived substantial revenues from its infringing acts. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Texas. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its interactive websites accessible from Texas.

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, from and within this Judicial District Defendant has committed at least a portion of the infringements at issue in this case. Without limitation, on information and belief, within this district Defendant has engaged in, contributed to, and induced the infringing acts identified in this Complaint. In addition, on information and belief, Defendant has derived substantial revenues from its infringing acts and is subject to personal jurisdiction in this District for at least the reasons identified above with respect to personal jurisdiction within the State of Texas. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction in this District at least due to its interactive websites accessible from this District.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 6,446,111**

5. United States Patent No. 6,446,111 ("the '111 patent") entitled "Method and Apparatus for Client-Server Communication Using a Limited Capability Client Over a Low-Speed Communications Link" issued on September 3, 2002.

6. Parallel Networks is the assignee of all right, title and interest in the '111 patent. Accordingly, Parallel Networks has standing to bring this lawsuit for infringement of the '111 patent.

7. At least one claim of the '111 patent covers, inter alia, various systems and methods comprising a server coupled to a communications link that receives a request from a client device and collects data items as a function of the request; an executable applet dynamically generated by the server in response to the client request; a constituent system associated with the applet comprising a subset of the data items and a further constituent system comprising a data interface capability configured to provide a plurality of operations associated with the subset of data items; with the applet operable to be transferred over the communications link to the client device.

8. On information and belief, WALT DISNEY PARKS AND RESORTS ONLINE ("WDPRO") has been and now is infringing at least claim 1 the '111 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at [disneyparks.disney.go.com](http://disneyparks.disney.go.com), which comprises a server coupled to a communications link that receives a request from a client device and collects data items as a function of the requests; an executable applet dynamically generated by the server in response to the client request; a constituent system associated with the applet comprising a subset of the data items and a further constituent system comprising a data interface capability configured to provide a plurality of operations associated with the subset of data items; with such applet operable to be transferred over the communications link to the client device.

9. On information and belief, WDPRO has been aware of the '111 patent since at least as early as September 2010, when Parallel Networks served infringement contentions on

WDPRO's related company Disney Online asserting that disneyparks.disney.go.com infringes claims of the '111 patent.

10. On information and belief, since becoming aware of the '111 patent, WDPRO has been and is now indirectly infringing by way of inducing infringement and contributing to the infringement of at least claim 1 of the '111 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by providing the website disneyparks.disney.go.com for use by WDPRO's clients. WDPRO is a direct and indirect infringer, and its clients using disneyparks.disney.go.com are direct infringers.

11. On information and belief, since becoming aware of the '111 patent WDPRO is and has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and by aiding and abetting its use. On information and belief, WDPRO knew or should have known that through its acts it was and is inducing infringement of the '111 patent. On information and belief, WDPRO is and has been committing the act of contributory infringement by intending to provide the identified website to its clients knowing that it is a material part of the invention, knowing that its use was made and adapted for infringement of the '111 patent, and further knowing that the system is not a staple article or commodity of commerce suitable for substantially noninfringing use.

12. Defendant WDPRO is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

13. As a result of WDPRO's infringing conduct, WDPRO should be held liable to Parallel Networks in an amount that adequately compensates Parallel Networks for their infringement, which, by law, can be no less than a reasonable royalty.

14. On information and belief, WDPRO was aware of the '111 since at least as early as September 2010, when Parallel Networks served infringement contentions on WDPRO's related company Disney Online asserting that disney.parks.disney.go.com infringes claims of the '111 patent, and there are no marking requirements that have not been complied with.

**COUNT II**  
**WILLFUL INFRINGEMENT**

15. On information and belief, prior to the filing of the complaint, WDPRO's infringement was willful and continues to be willful. On information and belief, at least as early as September 2010, WDPRO was aware of the '111 patent and knew or should have known that WDPRO was infringing at least claim 1 of the '111 patent. On information and belief, WDPRO in its infringing activities acted as it did despite an objectively high likelihood that its actions constituted infringement of a valid patent. WDPRO's infringing activities were intentional and willful in that the risk of infringement was known to WDPRO or was so obvious that it should have been known to WDPRO.

**PRAYER FOR RELIEF**

WHEREFORE, Parallel Networks respectfully requests that this Court enter:

- a) A judgment in favor of Parallel Networks that WDPRO has infringed, directly, jointly, and indirectly, by way of inducing and contributing to the infringement of the '111 patent;
- b) A judgment that WDPRO infringement is and has been willful and objectively reckless;
- c) A permanent injunction enjoining WDPRO, and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all

others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '111 patent;

- d) A judgment and order requiring WDPRO to pay Parallel Networks its damages, costs, expenses, and prejudgment and post-judgment interest for WDPRO's infringement of the '111 patent as provided under 35 U.S.C. § 284;
- e) An award to Parallel Networks for enhanced damages as provided under 35 U.S.C. § 284;
- f) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Parallel Networks its reasonable attorneys' fees; and
- g) Any and all other relief to which Parallel Networks may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: **November 22, 2011**

Respectfully submitted,

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