

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

BACKSTAGE WEB, INC., BALLARD
DESIGNS, INC., BROOKS BROTHERS,
INC., BROOKS SPORTS, INC.,
BURBERRY LIMITED, CHRISTIAN
AUDIGIER, INC., FOREVER 21, INC.,
FOSSIL, INC., INTERNET BRANDS, INC.,
JOS. A. BANKS CLOTHIERS, INC.,
KENNETH COLE CONSUMER DIRECT,
LLC, KENNETH COLE PRODUCTION,
INC., MICHAEL KORS (USA), INC.,
MICHAEL KORS, LLC, MICHAEL STARS,
INC., NCH CORPORATION, THE
TERRITORY AHEAD, INC., and TOSHIBA
AMERICA, INC.

Defendants.

Civil Action No. _____

Jury Trial Demanded

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Parallel Networks, LLC files this Original Complaint for Patent Infringement against BACKSTAGE WEB, INC., BALLARD DESIGNS, INC., BROOKS BROTHERS, INC., BROOKS SPORTS, INC., BURBERRY LIMITED, CHRISTIAN AUDIGIER, INC., FOREVER 21, INC., FOSSIL, INC., INTERNET BRANDS, INC., JOS. A. BANKS CLOTHIERS, INC., KENNETH COLE CONSUMER DIRECT, LLC, KENNETH COLE PRODUCTION, INC., MICHAEL KORS (USA), INC., MICHAEL KORS, LLC, MICHAEL STARS, INC., NCH CORPORATION, THE TERRITORY AHEAD, INC., and TOSHIBA AMERICA, INC. (collectively "Defendants").

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 BACKSTAGE WEB, INC., is incorporated under the laws of the State of California with a place of business in Culver City, California.
3. On information and belief, Defendant BALLARD DESIGNS, INC., is incorporated under the laws of the State of Georgia with a place of business in Atlanta, Georgia.
4. On information and belief, Defendant BROOKS BROTHERS, INC., is incorporated under the laws of the State of Delaware with a place of business in New York, New York.
5. On information and belief, Defendant BROOKS SPORTS, INC., is incorporated under the laws of the State of Washington with a place of business in Bothell, Washington.
6. On information and belief, Defendant BURBERRY LIMITED is incorporated under the laws of the State of New York with a place of business in New York, New York.
7. On information and belief, Defendant CHRISTIAN AUDIGIER, INC., is incorporated under the laws of the State of California with a place of business in Culver City, California.
8. On information and belief, Defendant FOREVER 21, INC., is incorporated under the laws of the State of Delaware with a place of business in Los Angeles, California.
9. On information and belief, Defendant FOSSIL, INC., is incorporated under the laws of the State of Delaware corporation with a place of business in Richardson, Texas.

10. On information and belief, Defendant INTERNET BRANDS, INC., is incorporated under the laws of the State of Delaware with a place of business in El Segundo, California.

11. On information and belief, Defendant JOS. A. BANKS CLOTHIERS, INC., is incorporated under the laws of the State of Delaware with a place of business in Hampstead, Maryland.

12. On information and belief, Defendant KENNETH COLE CONSUMER DIRECT, LLC, is a limited liability company with a place of business in New York, New York.

13. On information and belief, Defendant KENNETH COLE PRODUCTION, INC., is incorporated under the laws of the State of New York with a place of business in New York, New York.

14. On information and belief, Defendant MICHAEL KORS (USA), INC., is incorporated under the laws of the State of Delaware with a place of business in New York, New York.

15. On information and belief, Defendant MICHAEL KORS, LLC, is a Delaware limited liability company with a place of business in New York, New York.

16. On information and belief, Defendant MICHAEL STARS, INC., is incorporated under the laws of the State of California with a place of business in Hawthorne, California.

17. On information and belief, Defendant NCH CORPORATION is incorporated under the laws of the State of Delaware with a place of business in Irving, Texas.

18. On information and belief, Defendant THE TERRITORY AHEAD, INC., is incorporated under the laws of the State of Delaware with a place of business in Santa Barbara, California.

19. On information and belief, Defendant TOSHIBA AMERICA, INC., is incorporated under the laws of the State of Delaware with a place of business in New York, New York.

JURISDICTION AND VENUE

20. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to their 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 Defendants have made and used the patented invention and have induced and contributed to that infringement with the systems identified herein below. In addition, on information and belief, Defendants have derived substantial revenues from their infringing acts. Further, on information and belief, Defendants are 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 Delaware. Further, on information and belief, Defendants are subject to the Court's personal jurisdiction at least due to their interactive websites accessible from Delaware.

21. 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 each Defendant has committed at least a portion of the infringements at issue in this case. Without limitation, on information and belief, within this district the Defendants have engaged in, contributed to, and induced the infringing acts identified in this Complaint. In addition, on information and belief, Defendants

have derived substantial revenues from their infringing acts and are subject to personal jurisdiction in this District for at least the reasons identified above with respect to personal jurisdiction within the State of Delaware. Further, on information and belief, Defendants are subject to the Court's personal jurisdiction in this District at least due to their interactive websites accessible from this District.

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

22. 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.

23. 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.

24. 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.

25. Beginning in 2010, Parallel Networks brought a series of patent infringement actions against over 100 internet retailers and advertisers. One or more of these actions, their subject matter, and their applicability to internet retailers and advertisers have been widely

publicized. For example, in April 2010, an entity named Patent Calls issued a press release through Press Release Distribution's PR LOG website stating that Parallel Networks filed a patent infringement action against 28 internet retailers and advertisers, reciting the defendants, the '111 patent and the subject matter of the '111 patent. (<http://www.prlog.org/10610744-parallel-networks-calls-out-28-large-corporations-for-patent-infringement.html>).

26. In June 2010, an article published on another publicly available website (www.techeye.net) reported that internet retailers had been sued for infringement of the '111 patent. This article is titled "Got a commercial website? Prepare for a writ from [] Parallel [Networks]...." The article references the '111 patent and describes the allegations in Parallel Networks' patent infringement actions:

The defendants are being sued over US patent 6,446,111, called Method and apparatus for client-server communications using a limited capability client over a speed communications network, issued on the 3rd of September 2002.

So what are they alleged to have done? Each of them uses "servers which receive requests from client devices and collect data items as a function of the requests; executable applets dynamically generated by such servers in response to the client requests; constituent systems associated with such applets comprising a subset of the data items and further comprising a data interface capability configured to provide a plurality of operations with such applets being transferred over the communications link to the client device."

(<http://news.techeye.net/business/got-a-commercial-website-prepare-for-a-writ-from-a-parallel-universe.com>).

27. In September 2010, Law360 published an article stating that Parallel Networks sued nearly 60 defendants for infringement of the '111 patent in the United States District Court for the Eastern District of Texas and provided a link to Parallel Networks' complaint for patent infringement. The article states:

The patent-in-suit, of which Parallel is the assignee, was issued in 2002 and covers various systems and methods pertaining to servers that receive requests from a client's device and collect data, the suit says.

The '111 patent also covers applets – generally a small application designed for one task that is part of a larger computer program or application – that are generated by servers in response to the requests, and constituent systems, according to the complaint.

(“AT&T, GM Tagged in Latest Parallel Networks IP Suit” by Erin Coe, Law360, 9/23/2010).

The article also referred to previous actions brought by Parallel Networks alleging that internet retailers and advertisers infringed the '111 patent. (*Id.*)

28. Based on the foregoing, the defendants had knowledge of the '111 patent prior to the filing of this lawsuit.

29. On information and belief, Defendant BACKSTAGE WEB, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.edhardyshop.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.

30. On information and belief, since becoming aware of the '111 patent, BACKSTAGE WEB, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the

website www.edhardyshop.com for use by BACKSTAGE WEB, INC.'s clients and customers. On information and belief, BACKSTAGE WEB, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent BACKSTAGE WEB, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, BACKSTAGE WEB, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, BACKSTAGE WEB, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. BACKSTAGE WEB, INC. is a direct and indirect infringer, and its clients and customers using www.edhardyshop.com are direct infringers.

31. Defendant BACKSTAGE WEB, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

32. On information and belief, Defendant BALLARD DESIGNS, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.ballarddesigns.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.

33. On information and belief, BALLARD DESIGNS, INC. has been aware of the '111 patent and its infringement of the '111 patent by www.ballarddesigns.com at least as early as January 24, 2011, when Parallel Networks notified BALLARD DESIGNS, INC.'s related companies, HSN Interactive LLC and HSN LP, of the infringement of www.ballarddesigns.com and provided a claim chart describing the infringement.

34. On information and belief, since becoming aware of the '111 patent, BALLARD DESIGNS, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.ballarddesigns.com for use by BALLARD DESIGNS, INC.'s clients and customers. On information and belief, BALLARD DESIGNS, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent BALLARD DESIGNS, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, BALLARD DESIGNS, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, BALLARD DESIGNS, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. BALLARD DESIGNS, INC. is a direct and indirect infringer, and its clients and customers using www.ballarddesigns.com are direct infringers.

35. Defendant BALLARD DESIGNS, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

36. On information and belief, Defendant BROOKS BROTHERS, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.brooksbrothers.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.

37. On information and belief, since becoming aware of the '111 patent, BROOKS BROTHERS, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.brooksbrothers.com for use by BROOKS BROTHERS, INC.'s clients and customers. On information and belief, BROOKS BROTHERS, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent BROOKS BROTHERS, INC. has been committing the act of inducing infringement by specifically

intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, BROOKS BROTHERS, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, BROOKS BROTHERS, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. BROOKS BROTHERS, INC. is a direct and indirect infringer, and its clients and customers using www.brooksbrothers.com are direct infringers.

38. Defendant BROOKS BROTHERS, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

39. On information and belief, Defendant BROOKS SPORTS, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.brooksrunning.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.

40. On information and belief, BROOKS SPORTS, INC. has been aware of the '111 patent and its infringement of the '111 patent by www.brooksrunning.com at least as early as January 24, 2011, when Parallel Networks notified BROOKS SPORTS, INC.'s parent company, Russell Brands, LLC, of the infringement of www.brooksrunning.com and provided a claim chart describing the infringement.

41. On information and belief, since becoming aware of the '111 patent, BROOKS SPORTS, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.brooksrunning.com for use by BROOKS SPORTS, INC.'s clients and customers. On information and belief, BROOKS SPORTS, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent BROOKS SPORTS, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, BROOKS SPORTS, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, BROOKS SPORTS, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. BROOKS SPORTS, INC. is a direct and indirect infringer, and its clients and customers using www.brooksrunning.com are direct infringers.

42. Defendant BROOKS SPORTS, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

43. On information and belief, Defendant BURBERRY LIMITED has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.burberry.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.

44. On information and belief, since becoming aware of the '111 patent, BURBERRY LIMITED 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.burberry.com for use by BURBERRY LIMITED's clients and customers. On information and belief, BURBERRY LIMITED knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent BURBERRY LIMITED has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, BURBERRY LIMITED knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its

clients and customers. On information and belief, BURBERRY LIMITED is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. BURBERRY LIMITED is a direct and indirect infringer, and its clients and customers using www.burberry.com are direct infringers.

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

46. On information and belief, Defendant CHRISTIAN AUDIGIER, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.christianaudigier.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.

47. On information and belief, since becoming aware of the '111 patent, CHRISTIAN AUDIGIER, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website

www.christianaudigier.com for use by CHRISTIAN AUDIGIER, INC.'s clients and customers. On information and belief, CHRISTIAN AUDIGIER, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent CHRISTIAN AUDIGIER, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, CHRISTIAN AUDIGIER, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, CHRISTIAN AUDIGIER, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. CHRISTIAN AUDIGIER, INC. is a direct and indirect infringer, and its clients and customers using www.christianaudigier.com are direct infringers.

48. Defendant CHRISTIAN AUDIGIER, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

49. On information and belief, Defendant FOREVER 21, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.forever21.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.

50. On information and belief, since becoming aware of the '111 patent, FOREVER 21, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.forever21.com for use by FOREVER 21, INC.'s clients and customers. On information and belief, FOREVER 21, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent FOREVER 21, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, FOREVER 21, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, FOREVER 21, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. FOREVER 21, INC. is a direct and indirect infringer, and its clients and customers using www.forever21.com are direct infringers.

51. Defendant FOREVER 21, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

52. On information and belief, Defendant FOSSIL, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.fossil.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.

53. On information and belief, since becoming aware of the '111 patent, FOSSIL, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.fossil.com for use by FOSSIL, INC.'s clients and customers. On information and belief, FOSSIL, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent FOSSIL, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, FOSSIL, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, FOSSIL, INC. is and has been committing the

act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. FOSSIL, INC. is a direct and indirect infringer, and its clients and customers using www.fossil.com are direct infringers.

54. Defendant FOSSIL, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

55. On information and belief, Defendant INTERNET BRANDS, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.carsdirect.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.

56. On information and belief, since becoming aware of the '111 patent, INTERNET BRANDS, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.carsdirect.com for use by INTERNET BRANDS, INC.'s clients and customers. On

information and belief, INTERNET BRANDS, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent INTERNET BRANDS, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, INTERNET BRANDS, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, INTERNET BRANDS, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. INTERNET BRANDS, INC. is a direct and indirect infringer, and its clients and customers using www.carsdirect.com are direct infringers.

57. Defendant INTERNET BRANDS, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

58. On information and belief, Defendant JOS. A. BANKS CLOTHIERS, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.josbanks.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.

59. On information and belief, since becoming aware of the '111 patent, JOS. A. BANKS CLOTHIERS, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.josbanks.com for use by JOS. A. BANKS CLOTHIERS, INC.'s clients and customers. On information and belief, JOS. A. BANKS CLOTHIERS, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent JOS. A. BANKS CLOTHIERS, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, JOS. A. BANKS CLOTHIERS, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, JOS. A. BANKS CLOTHIERS, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. JOS. A. BANKS CLOTHIERS, INC. is a direct and indirect infringer, and its clients and customers using www.josbanks.com are direct infringers.

60. Defendant JOS. A. BANKS CLOTHIERS, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

61. On information and belief, Defendant KENNETH COLE CONSUMER DIRECT, LLC has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.kennethcole.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.

62. On information and belief, since becoming aware of the '111 patent, KENNETH COLE CONSUMER DIRECT, LLC 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.kennethcole.com for use by KENNETH COLE CONSUMER DIRECT, LLC's clients and customers. On information and belief, KENNETH COLE CONSUMER DIRECT, LLC knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent KENNETH COLE CONSUMER DIRECT, LLC has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, KENNETH COLE CONSUMER DIRECT, LLC knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, KENNETH COLE CONSUMER DIRECT,

LLC is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. KENNETH COLE CONSUMER DIRECT, LLC is a direct and indirect infringer, and its clients and customers using www.kennethcole.com are direct infringers.

63. Defendant KENNETH COLE CONSUMER DIRECT, LLC is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

64. On information and belief, Defendant KENNETH COLE PRODUCTION, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.kennethcole.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.

65. On information and belief, since becoming aware of the '111 patent, KENNETH COLE PRODUCTION, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the

website www.kennethcole.com for use by KENNETH COLE PRODUCTION, INC.'s clients and customers. On information and belief, KENNETH COLE PRODUCTION, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent KENNETH COLE PRODUCTION, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, KENNETH COLE PRODUCTION, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, KENNETH COLE PRODUCTION, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. KENNETH COLE PRODUCTION, INC. is a direct and indirect infringer, and its clients and customers using www.kennethcole.com are direct infringers.

66. Defendant KENNETH COLE PRODUCTION, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

67. On information and belief, Defendant MICHAEL KORS (USA), INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.michaelkors.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.

68. On information and belief, MICHAEL KORS (USA), INC. has been aware of the '111 patent and its infringement of the '111 patent by www.michaelkors.com at least as early as January 24, 2011, when Parallel Networks notified the company that assists MICHAEL KORS (USA), INC. with the operation of its website, The Neiman Marcus Group, Inc., of their infringement of the '111 patent.

69. On information and belief, since becoming aware of the '111 patent, MICHAEL KORS (USA), INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.michaelkors.com for use by MICHAEL KORS (USA), INC.'s clients and customers. On information and belief, MICHAEL KORS (USA), INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent MICHAEL KORS (USA), INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, MICHAEL KORS (USA), INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, MICHAEL KORS (USA), INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention,

knowing that its use was especially made and especially 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. MICHAEL KORS (USA), INC. is a direct and indirect infringer, and its clients and customers using www.michaelkors.com are direct infringers.

70. Defendant MICHAEL KORS (USA), INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

71. On information and belief, Defendant MICHAEL KORS, LLC has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.michaelkors.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.

72. On information and belief, MICHAEL KORS, LLC has been aware of the '111 patent and its infringement of the '111 patent by www.michaelkors.com at least as early as January 24, 2011, when Parallel Networks notified the company that assists MICHAEL KORS, LLC with the operation of its website, The Neiman Marcus Group, Inc., of their infringement of the '111 patent.

73. On information and belief, since becoming aware of the '111 patent, MICHAEL KORS, LLC 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.michaelkors.com for use by MICHAEL KORS, LLC's clients and customers. On information and belief, MICHAEL KORS, LLC knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent MICHAEL KORS, LLC has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, MICHAEL KORS, LLC knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, MICHAEL KORS, LLC is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. MICHAEL KORS, LLC is a direct and indirect infringer, and its clients and customers using www.michaelkors.com are direct infringers.

74. Defendant MICHAEL KORS, LLC is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

75. On information and belief, Defendant MICHAEL STARS, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at

www.michaelstars.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.

76. On information and belief, since becoming aware of the '111 patent, MICHAEL STARS, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.michaelstars.com for use by MICHAEL STARS, INC.'s clients and customers. On information and belief, MICHAEL STARS, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent MICHAEL STARS, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, MICHAEL STARS, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, MICHAEL STARS, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. MICHAEL STARS, INC. is a direct and indirect infringer, and its clients and customers using www.michaelstars.com are direct infringers.

77. Defendant MICHAEL STARS, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

78. On information and belief, Defendant NCH CORPORATION has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.supplylinedirect.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.

79. On information and belief, since becoming aware of the '111 patent, NCH CORPORATION 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.supplylinedirect.com for use by NCH CORPORATION's clients and customers. On information and belief, NCH CORPORATION knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent NCH CORPORATION has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by

aiding and abetting its use. On information and belief, NCH CORPORATION knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, NCH CORPORATION is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. NCH CORPORATION is a direct and indirect infringer, and its clients and customers using www.supplylinedirect.com are direct infringers.

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

81. On information and belief, Defendant THE TERRITORY AHEAD, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.territoryahead.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.

82. On information and belief, THE TERRITORY AHEAD, INC. has been aware of the '111 patent and its infringement of the '111 patent by www.territoryahead.com at least as

early as January 24, 2011, when Parallel Networks notified THE TERRITORY AHEAD, INC.'s related companies, HSN Interactive LLC and HSN LP, of their infringement of the '111 patent.

83. On information and belief, since becoming aware of the '111 patent, THE TERRITORY AHEAD, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.territoryahead.com for use by THE TERRITORY AHEAD, INC.'s clients and customers. On information and belief, THE TERRITORY AHEAD, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent THE TERRITORY AHEAD, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, THE TERRITORY AHEAD, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, THE TERRITORY AHEAD, INC. is and has been committing the act of contributory infringement by intending to provide the identified website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. THE TERRITORY AHEAD, INC. is a direct and indirect infringer, and its clients and customers using www.territoryahead.com are direct infringers.

84. Defendant THE TERRITORY AHEAD, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

85. On information and belief, Defendant TOSHIBA AMERICA, INC. has been and now is infringing at least claim 1 the '111 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by actions comprising making and using its website at www.toshiba.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.

86. On information and belief, since becoming aware of the '111 patent, TOSHIBA AMERICA, INC. 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 Delaware, in this judicial district, and elsewhere in the United States, by providing the website www.toshiba.com for use by TOSHIBA AMERICA, INC.'s clients and customers. On information and belief, TOSHIBA AMERICA, INC. knew that these activities infringe the '111 patent. On information and belief, since becoming aware of the '111 patent TOSHIBA AMERICA, INC. has been committing the act of inducing infringement by specifically intending to induce infringement by providing the identified website to its clients and customers and by aiding and abetting its use. On information and belief, TOSHIBA AMERICA, INC. knew or should have known that through its acts it was and is inducing infringement of the '111 patent by its clients and customers. On information and belief, TOSHIBA AMERICA, INC. is and has been committing the act of contributory infringement by intending to provide the identified

website to its clients and customers knowing that it is a material part of the invention, knowing that its use was especially made and especially 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. TOSHIBA AMERICA, INC. is a direct and indirect infringer, and its clients and customers using www.toshiba.com are direct infringers.

87. Defendant TOSHIBA AMERICA, INC. is thus liable for infringement of the '111 patent pursuant to 35 U.S.C. § 271.

88. As a result of Defendants' infringing conduct, Defendants 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.

89. Parallel Networks has complied with any patent marking and notice requirements of 35 U.S.C. §287.

COUNT II
WILLFUL INFRINGEMENT

90. On information and belief, prior to the filing of the complaint, Defendants' infringement was willful and continues to be willful. On information and belief, prior to the filing of this Complaint, Defendants were aware of the '111 patent and knew, or it was so obvious that Defendants should have known, that Defendants were infringing at least claim 1 of the '111 patent. On information and belief, Defendants in their infringing activities acted as they did despite a subjectively and objectively high likelihood that their actions constituted infringement of a valid patent. The Defendants' infringing activities were intentional and willful in that the risk of infringement was known to Defendants or was so obvious that it should have been known to Defendants.

PRAYER FOR RELIEF

WHEREFORE, Parallel Networks respectfully requests that this Court enter:

- a) A judgment in favor of Parallel Networks that Defendants have infringed, directly, jointly, and indirectly, by way of inducing and contributing to the infringement of the '111 patent;
- b) A judgment that the Defendants' infringement is and has been willful and objectively reckless;
- c) A permanent injunction enjoining Defendants, and their 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 Defendants to pay Parallel Networks its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' 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: September 15, 2011

Respectfully submitted,

By: /s/ Gregory B. Williams

Gregory B. Williams (#4195)

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