

FILED

2012 MAY 15 PM 2:34  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

BY \_\_\_\_\_

1 Christopher W. Arledge (Bar No. 200767)  
carledge@onellp.com  
2 Joseph K. Liu (Bar No. 216227)  
jliu@onellp.com  
3 **ONE LLP**  
4 4000 MacArthur Boulevard  
West Tower, Suite 1100  
5 Newport Beach, California 92660  
Telephone: (949) 502-2870  
6 Facsimile: (949) 258-5081

7 Attorneys for Plaintiff Vacation Exchange, LLC

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **SOUTHERN DIVISION**

**CV12-4229 RGK(FFMx)**

11 VACATION EXCHANGE, LLC, a  
Delaware limited liability company,

Case No. \_\_\_\_\_

12 Plaintiff,

**COMPLAINT FOR PATENT  
INFRINGEMENT, PERMANENT  
INJUNCTION AND DAMAGES**

13 v.

**DEMAND FOR JURY TRIAL**

14 WYNDHAM EXCHANGE AND  
15 RENTALS, INC., a Delaware corporation;  
and RCI, LLC, a Delaware limited liability  
16 company,

17 Defendants

**By Fax**

18 For its Complaint against Defendants Wyndham Exchange and Rentals, Inc. and  
19 RCI, LLC ("Defendants"), Plaintiff Vacation Exchange, LLC ("Vacation Exchange")  
20 alleges as follows:

21 **THE PARTIES**

22 1. Plaintiff Vacation Exchange, LLC ("Vacation Exchange") is a Delaware  
23 limited liability company having a principal place of business at 1875 Century Park East,  
24 Suite 700, Los Angeles, CA. 90067.

25 2. On information and belief, Defendant Wyndham Exchange and Rentals, Inc.  
26 ("Wyndham") is a Delaware corporation with its principal place of business at 7 Sylvan  
27 Way, Parsippany, NJ. 07054.  
28

20564.1

**COMPLAINT**



**COPY**

1 3. On information and belief, Defendant RCI, LLC (“RCI”) is a Delaware  
2 limited liability company with its principal place of business at 7 Sylvan Way, Parsippany,  
3 NJ. 07054 and is a subsidiary of Wyndham.

4  
5 **JURISDICTION AND VENUE**

6 4. This is a civil action for patent infringement arising under the Patent Act of  
7 the United States, 35 U.S.C. §§ 1 et seq. This court has subject matter jurisdiction of such  
8 federal question claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9 5. Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) in that the  
10 acts and transactions complained of herein were conceived, carried out, made effective, and  
11 had effect within the State of California and within this district, among other places.  
12 Defendants resides in this judicial district by virtue of its business activities in this district,  
13 have committed acts of infringement in this judicial district, or have committed acts of  
14 contributory infringement and inducement of infringement within this judicial district.

15 **VACATION EXCHANGE’S PATENT-IN-SUIT**

16 6. On July 20, 1999, the United States Patent & Trademark Office duly and  
17 legally issued United States Letters Patent No. 5,926,793 (“the ‘793 Patent”), entitled  
18 “Digital-Timeshare-Exchange.”

19 7. The ‘793 patent claims, among other things, a computer-based exchange  
20 system for trading vacation timeshare interests. This invention allows for users to remotely  
21 and electronically communicate with a timeshare exchange database to trade timeshare  
22 interests in vacation properties.

23 8. The ‘793 Patent is owned by Vacation Exchange, LLC.

24 **FIRST CLAIM FOR RELIEF**  
25 **AGAINST DEFENDANTS FOR DIRECT, CONTRIBUTORY AND INDUCING**  
26 **INFRINGEMENT OF U.S. PATENT NO. 5,926,793**

27 9. Plaintiff incorporates herein by reference the allegations set forth in  
28 paragraphs 1-8 of the Complaint as though fully set forth herein.

1 10. A true and correct copy of the '793 Patent is attached as Exhibit A and  
2 incorporated herein by reference.

3 11. On information and belief, Defendants Wyndham and RCI have been and now  
4 are infringing the '793 patent in the State of California, in this judicial district, and  
5 elsewhere in the United States by providing their electronic timeshare exchange system(s)  
6 for trading timeshare interests in vacation properties to at least their U.S. customers over  
7 the Internet, including the RCI Weeks exchange system.

8 12. By making, using, selling, and offering for sale such systems, and all like  
9 products and related services that are covered by one or more claims of the '793 patent,  
10 Defendants Wyndham and RCI have infringed and continue to infringe the '793 Patent,  
11 including infringement under 35 U.S.C. § 271.

12 13. On information and belief, Defendants will continue to infringe the '793  
13 Patent unless enjoined by this Court.

14 14. As a direct and proximate result of Defendants' infringement of the '793  
15 Patent, Vacation Exchange has been and continues to be damaged in an amount yet to be  
16 determined.

17 15. Unless a preliminary and permanent injunction are issued enjoining  
18 Defendants and their officers, agents, servants and employees, and all others acting on their  
19 behalf or in concert with Defendants, from infringing the '793 Patent, Vacation Exchange,  
20 will be greatly and irreparably harmed.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff Vacation Exchange, LLC prays for judgment against  
23 Defendants as follows:

24 (1) For a judicial determination and declaration that Defendants have infringed,  
25 and continue to infringe, United States Letters Patent No. 5,926,793;

26 (2) For a judicial determination and decree that Defendants, their respective  
27 subsidiaries, officers, agents, servants, employees, licensees, and all other persons or  
28 entities acting or attempting to act in active concert or participation with them or acting on

1 their behalf, be preliminarily and permanently enjoined from further infringement of the  
2 '793 Patent;

3 (3) For a declaration that Defendants notify all of their customers, vendors and  
4 users of the infringing system(s) and customers' participation in the infringement with  
5 Defendants' encouragement, and that Defendants encourage their customers, vendors and  
6 users to cease all such infringing actions;

7 (4) For a judicial decree that orders Defendants to account for and pay to Vacation  
8 Exchange, LLC all damages caused to Vacation Exchange, LLC by reason of Defendants'  
9 infringement pursuant to 35 U.S.C. Section 284, including enhanced damages under 35  
10 U.S.C. Section 285;

11 (5) For an award of damages according to proof at trial;

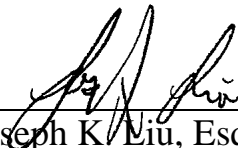
12 (6) For a judicial order awarding to Vacation Exchange, LLC pre-judgment and  
13 post-judgment interest on the damages caused to it by Defendants' infringement; and

14 (7) For any such other and further relief as the Court may deem just and proper  
15 under the circumstances.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: May 15, 2012

**ONE LLP**

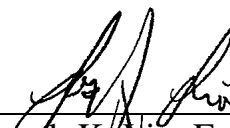
By:   
\_\_\_\_\_  
Joseph K. Liu, Esq.  
Attorneys for Plaintiff,  
Vacation Exchange, LLC

**DEMAND FOR JURY TRIAL**

Plaintiff Vacation Exchange, LLC hereby demands trial by jury in this action.

Dated: May 15, 2012

**ONE LLP**

By:  \_\_\_\_\_  
Joseph K. Liu, Esq.  
Attorneys for Plaintiff,  
Vacation Exchange, LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**



US005926793A

**United States Patent** [19]  
**de Rafael et al.**

[11] **Patent Number:** **5,926,793**  
 [45] **Date of Patent:** **Jul. 20, 1999**

[54] **DIGITAL-TIMESHARE-EXCHANGE** 5,267,148 11/1993 Kosaka et al. .... 705/37  
 5,285,383 2/1994 Linsley et al. .... 705/26  
 [76] Inventors: **Carey A. de Rafael**, 6 Bishop La., 5,500,793 3/1996 Deming et al. .... 705/37  
 Menlo Park, Calif. 94025; **Rafael** 5,689,652 11/1997 Lupien et al. .... 705/36  
**Amezcuca Arreola**, 220 W. Broadway,  
 M-24, San Diego, Calif. 92101-3877

*Primary Examiner*—Allen R. MacDonald  
*Assistant Examiner*—Romain Jeanty  
*Attorney, Agent, or Firm*—Brown, Martin, Haller & McClain

[21] Appl. No.: **08/711,508**  
 [22] Filed: **Sep. 10, 1996**

[57] **ABSTRACT**

[51] **Int. Cl.<sup>6</sup>** ..... **G06F 17/60**  
 [52] **U.S. Cl.** ..... **705/5; 705/6**  
 [58] **Field of Search** ..... 705/27, 37, 1,  
 705/5, 6, 14, 26

A novel Digital-Timeshare-Exchange that includes a database and an automated process that uses specific steps to instantly trade, sell, or exchange timeshare properties within a digital network environment. In this unique process all the steps are executed and completed by any individual user connected anytime, from any location. The procedures are done automatically, electronically, independently, interactively, and in real-time, by using a suitable computer and an appropriate communications medium.

[56] **References Cited**  
 U.S. PATENT DOCUMENTS  
 4,799,156 1/1989 Shavit et al. .... 705/26  
 4,984,155 1/1991 Geier et al. .... 705/26  
 5,063,507 11/1991 Lindsey et al. .... 705/26

**8 Claims, 21 Drawing Sheets**

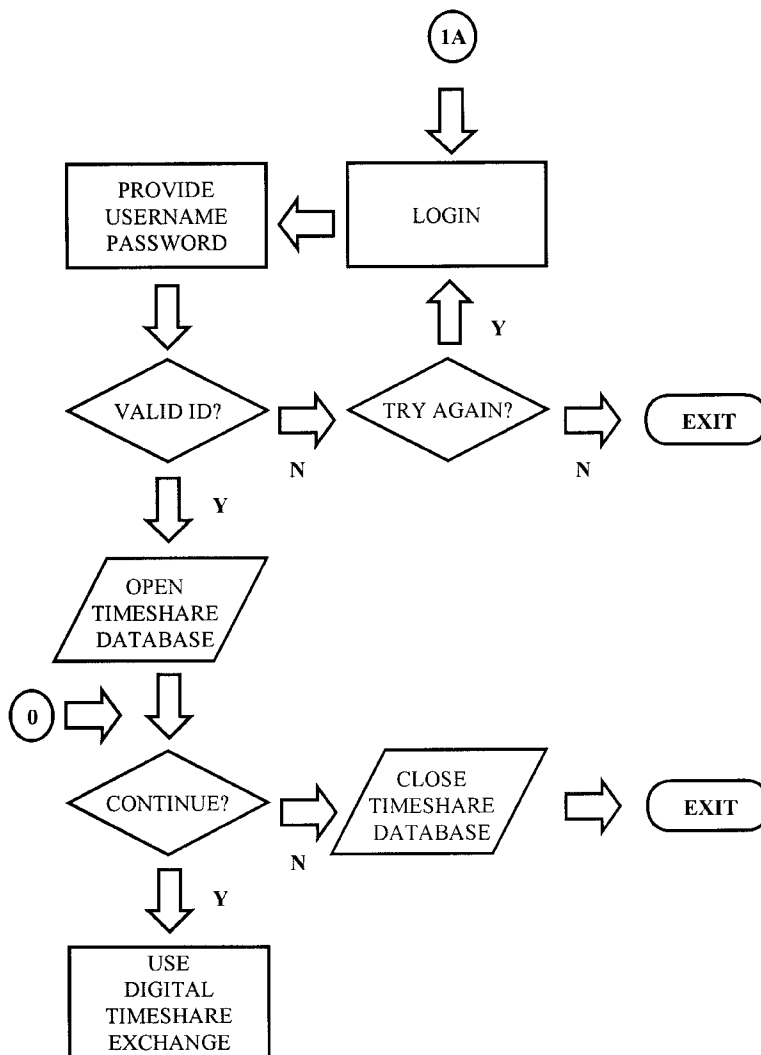


FIGURE 1

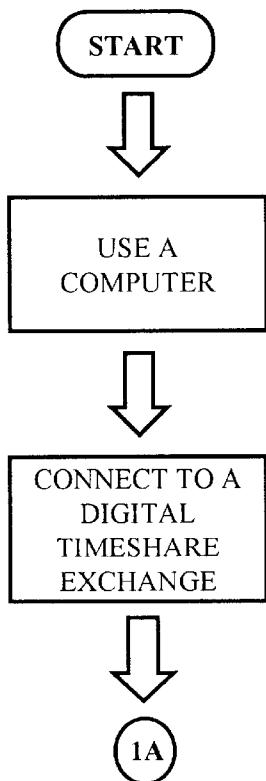
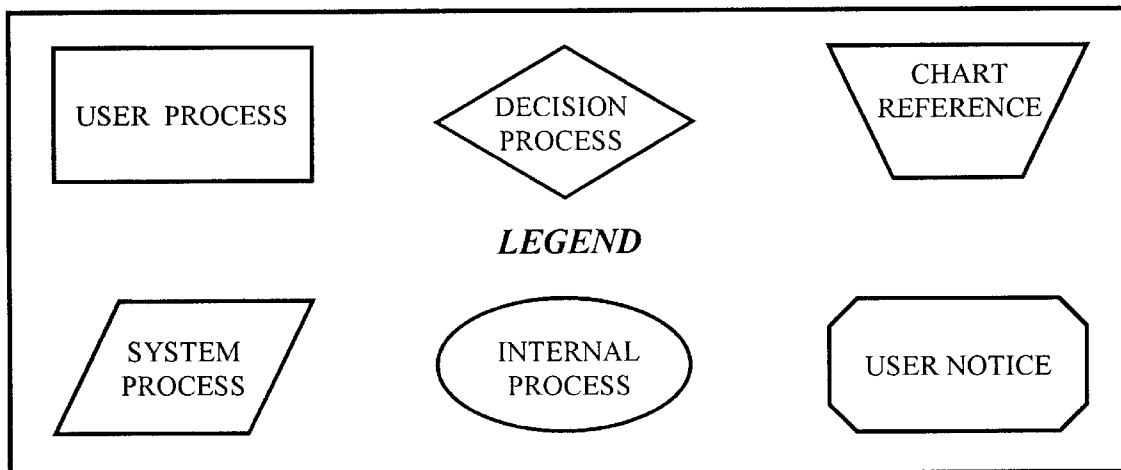
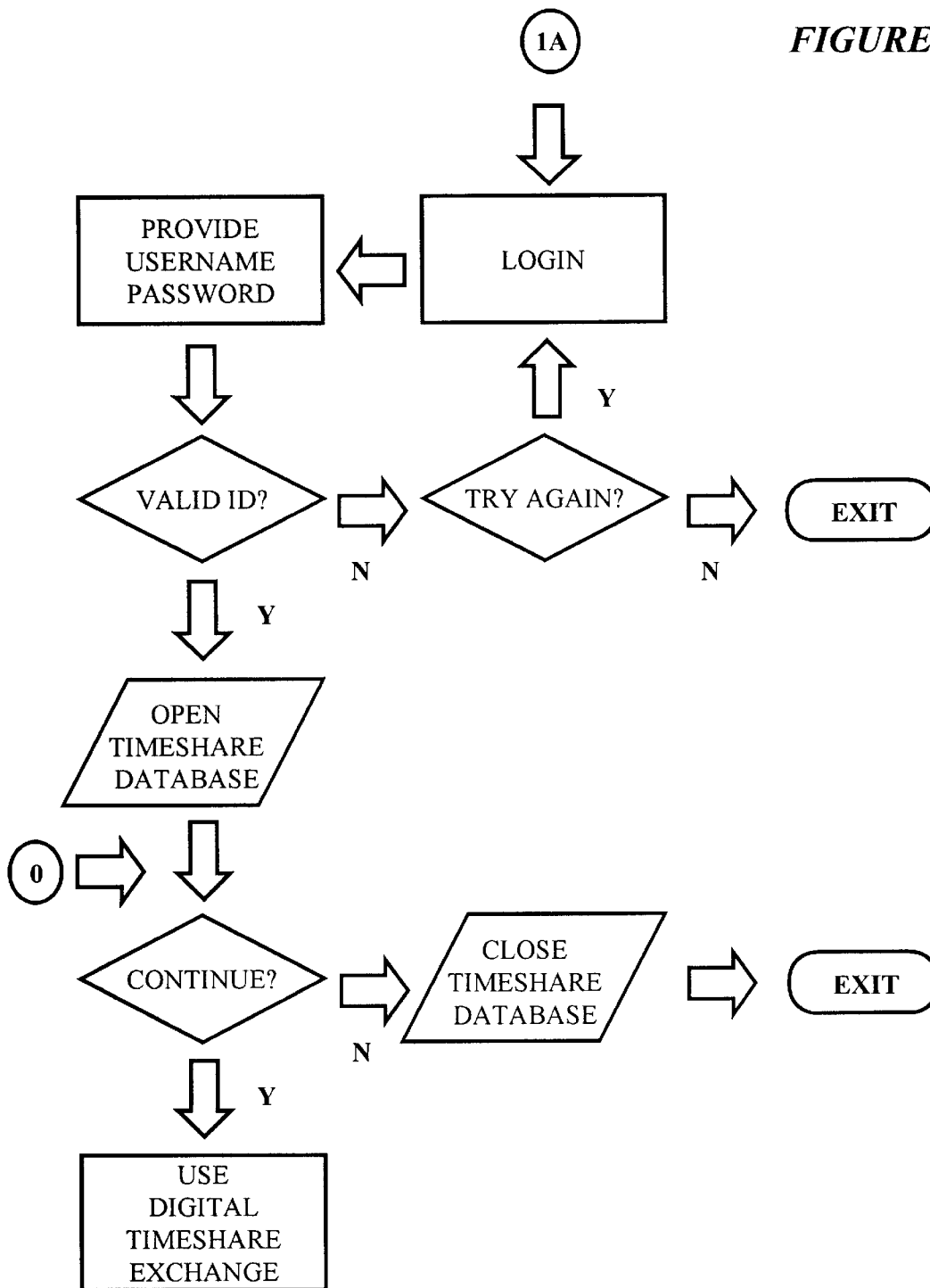




FIGURE 1A



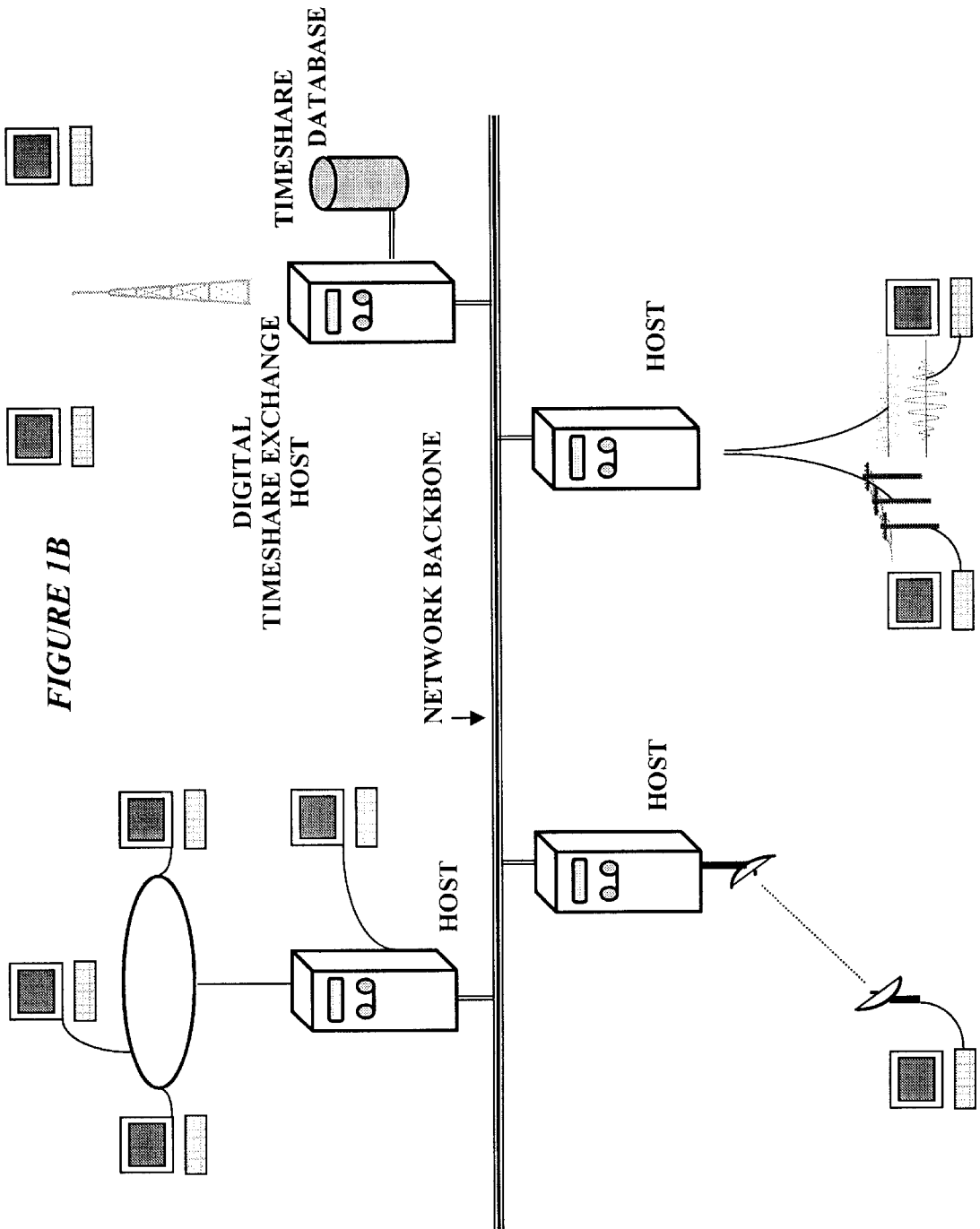
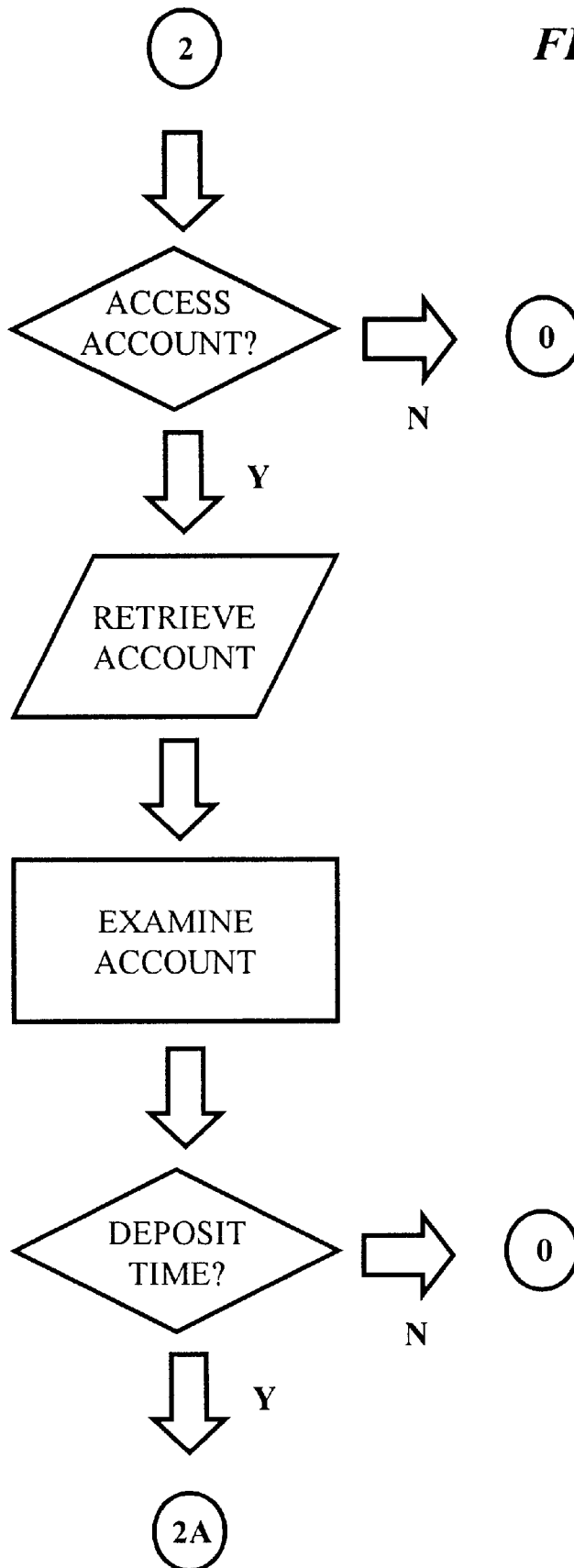
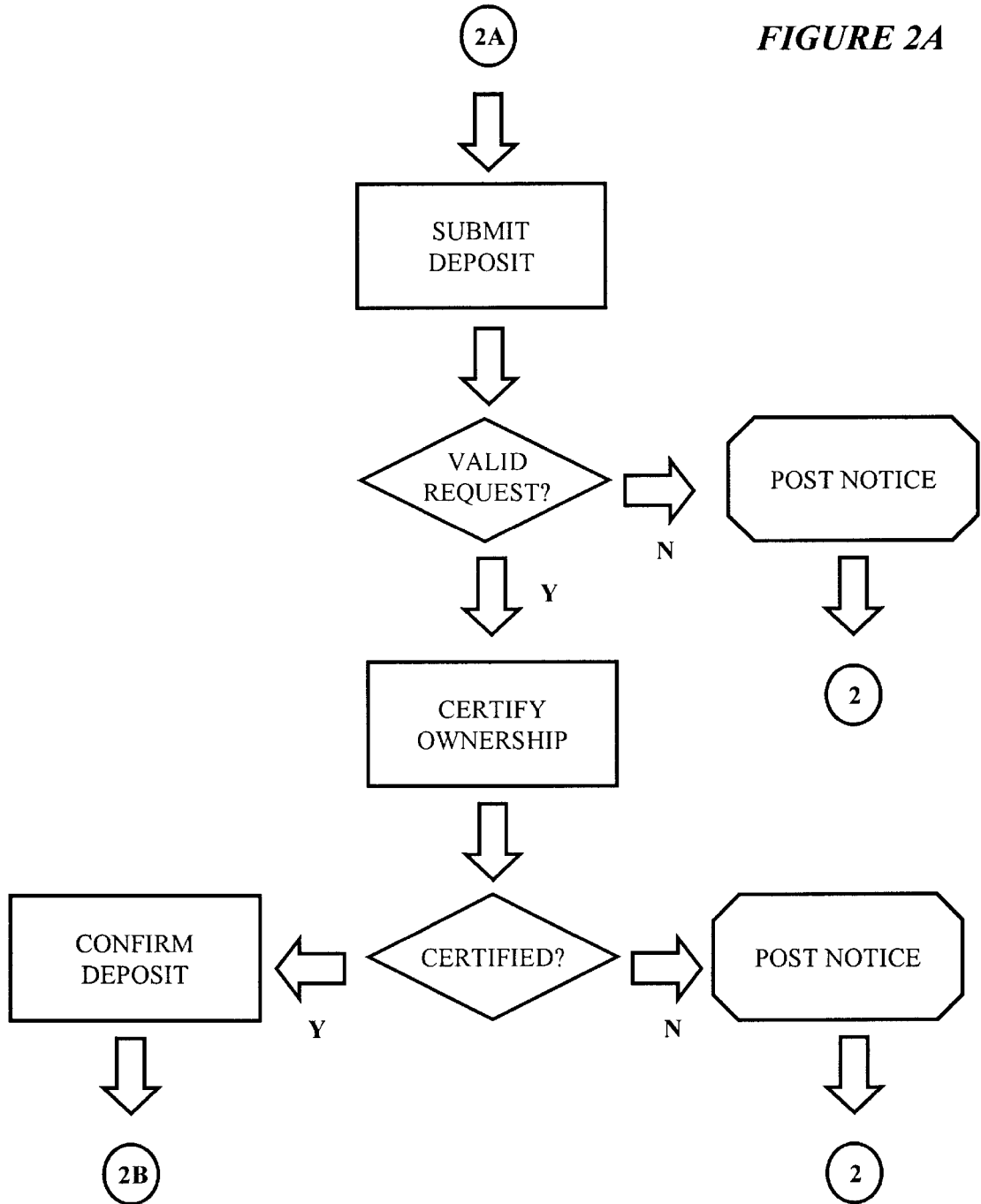
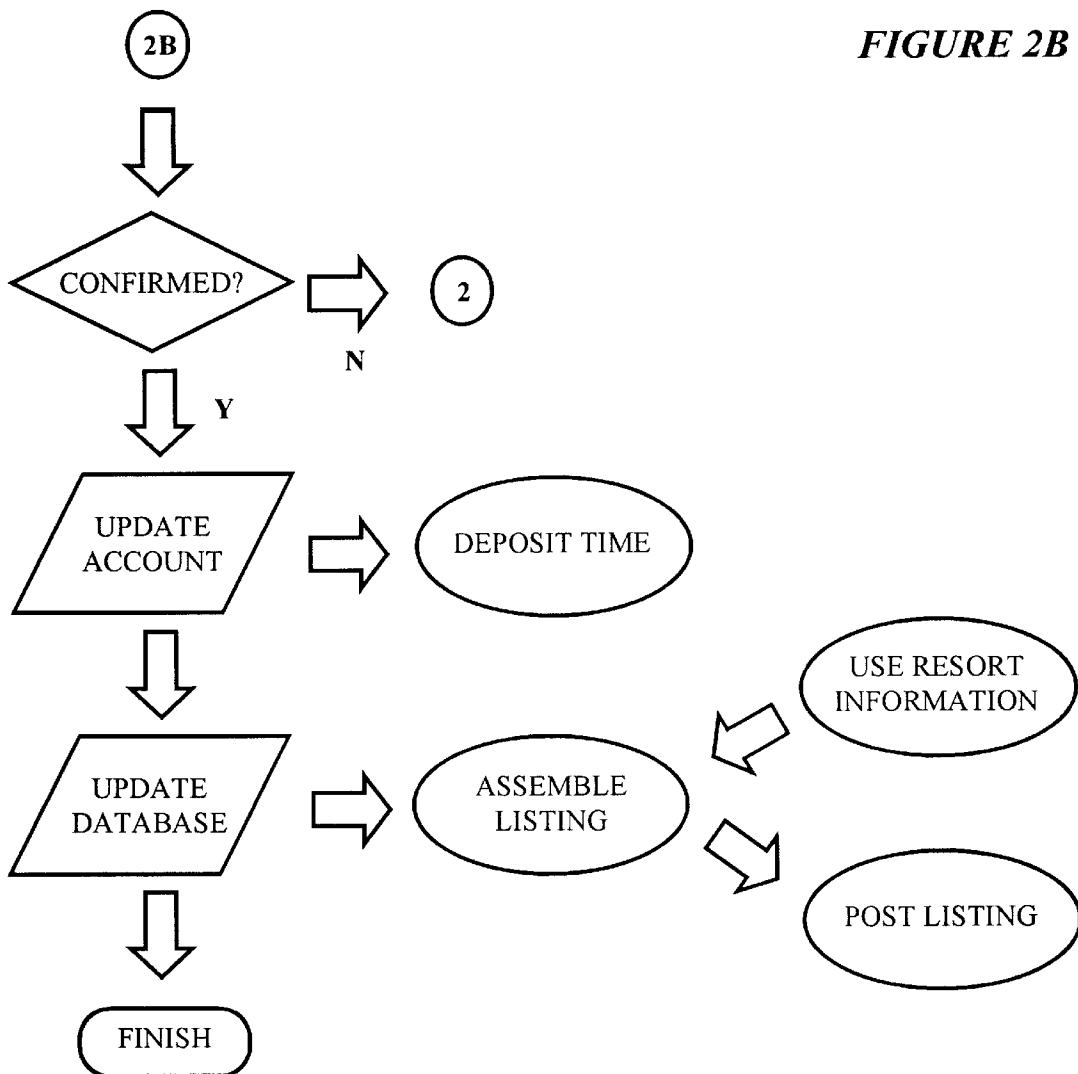


FIGURE 2







**FIGURE 3**

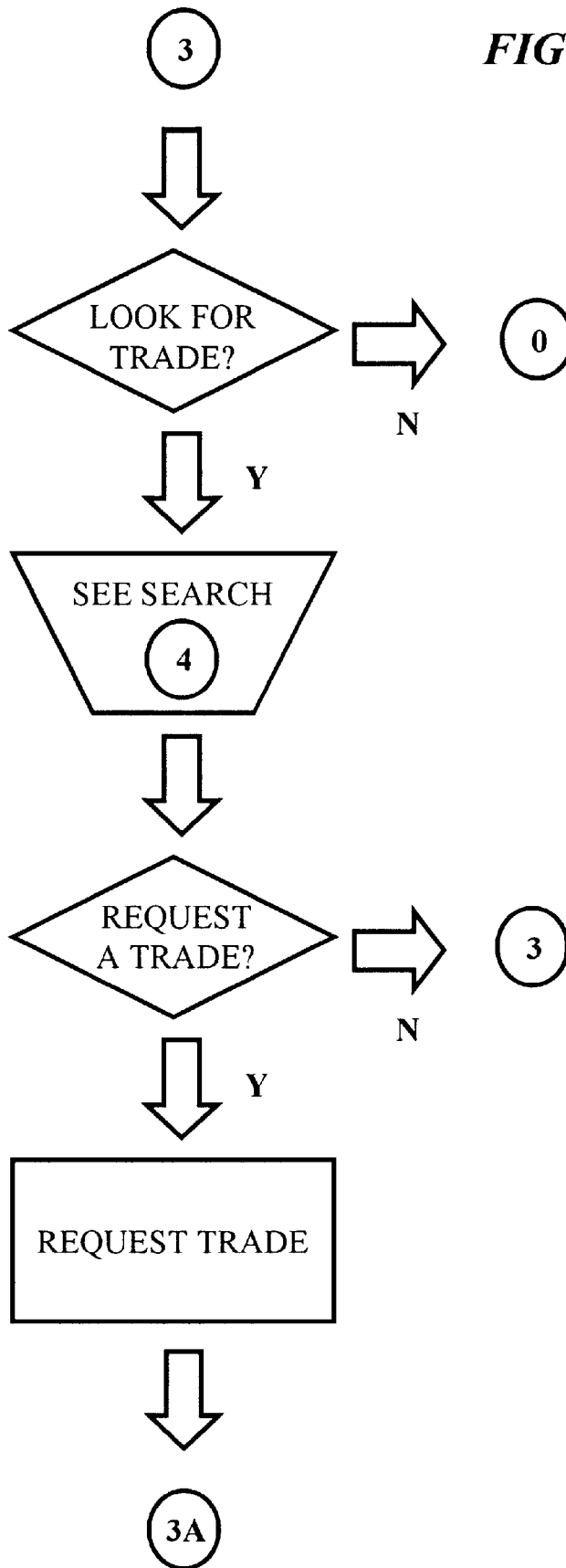
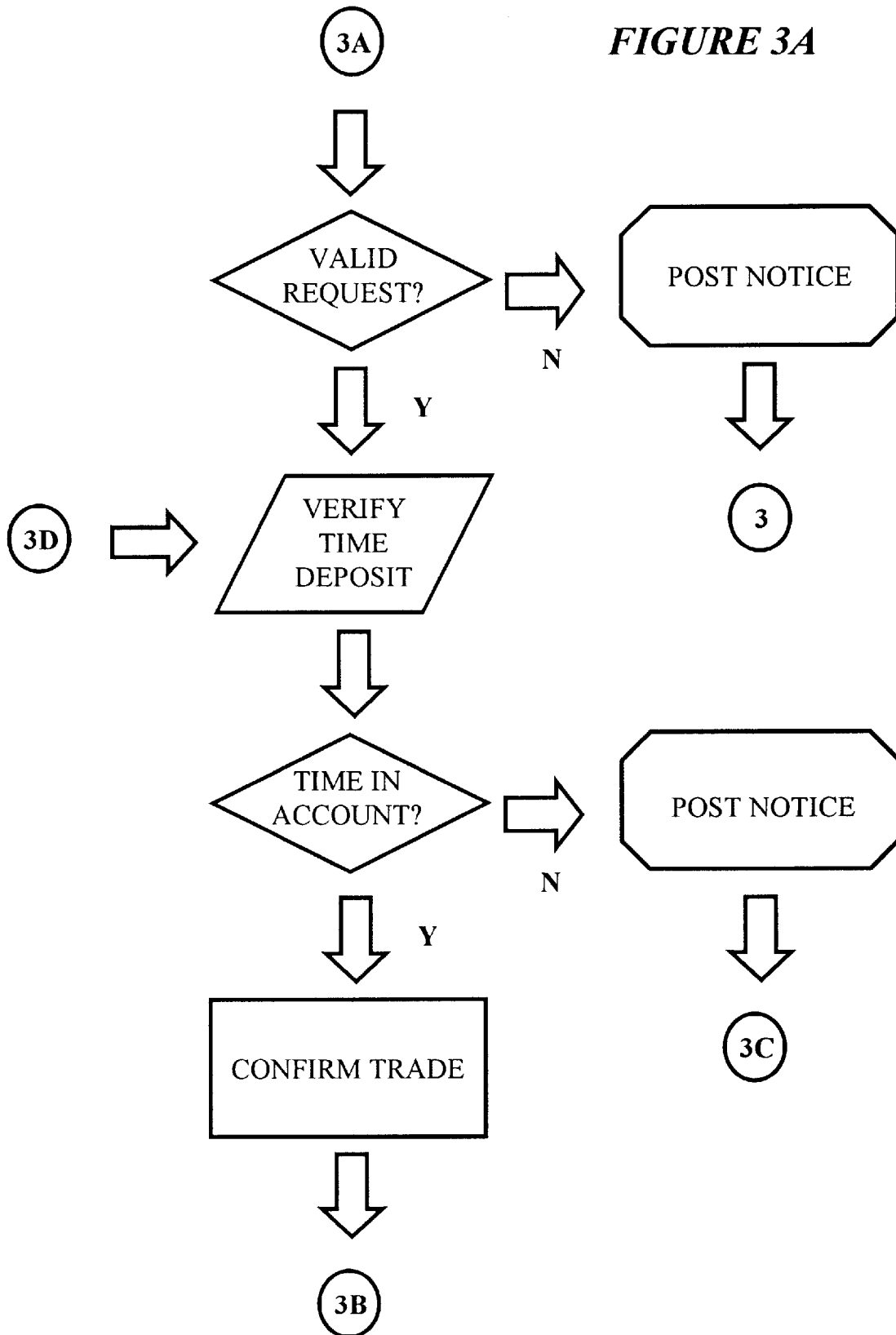
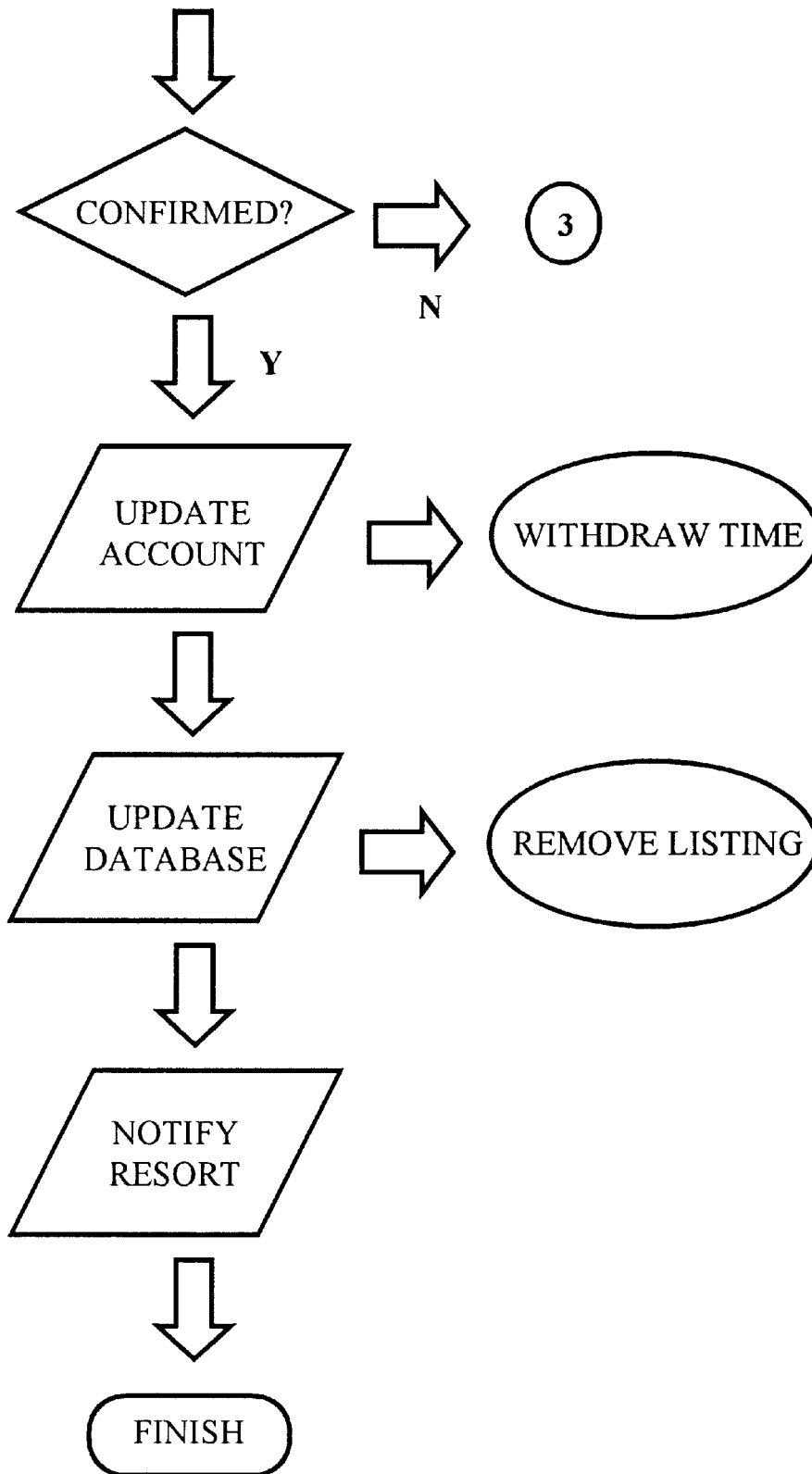


FIGURE 3A



3B

FIGURE 3B





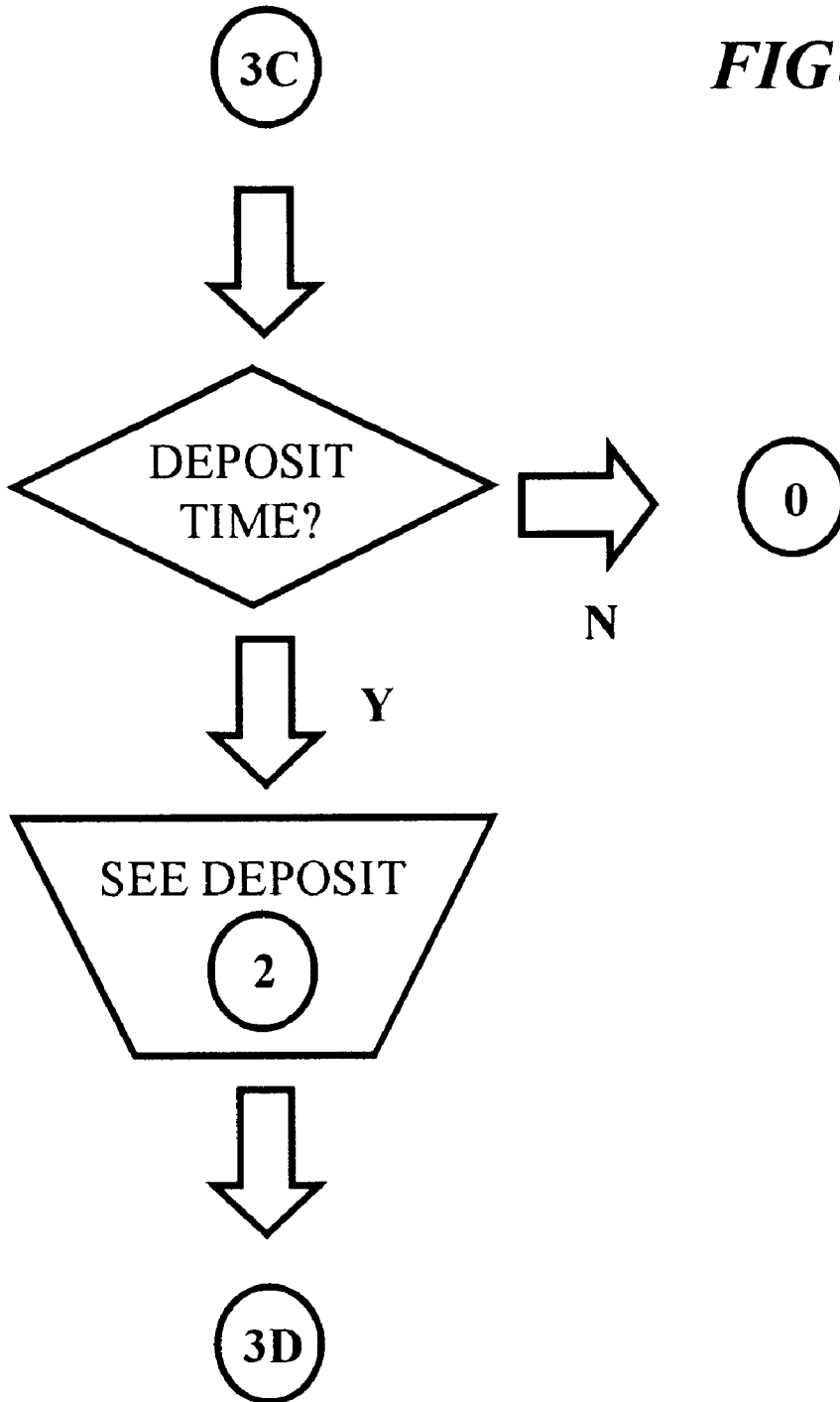


FIGURE 4

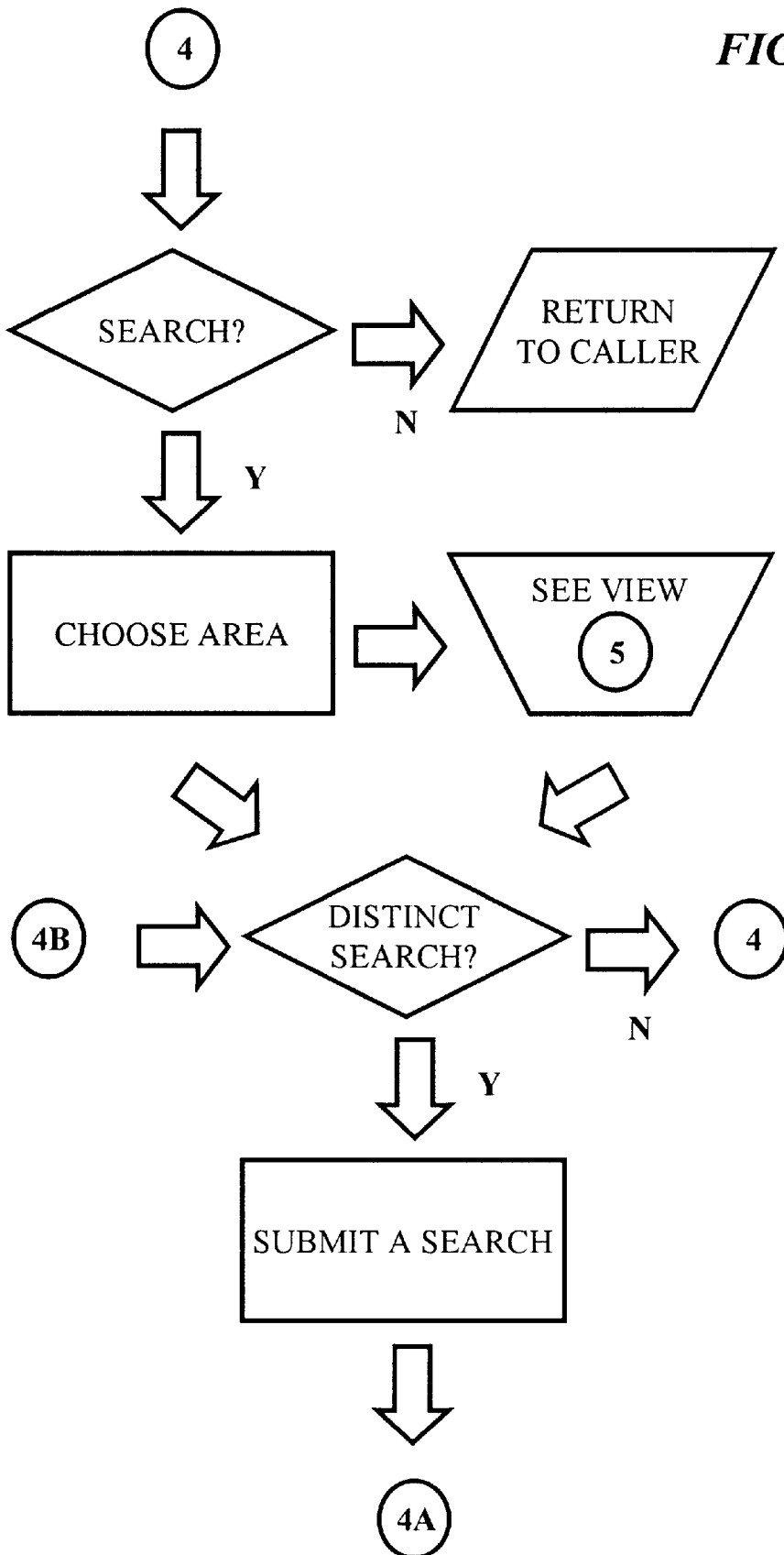
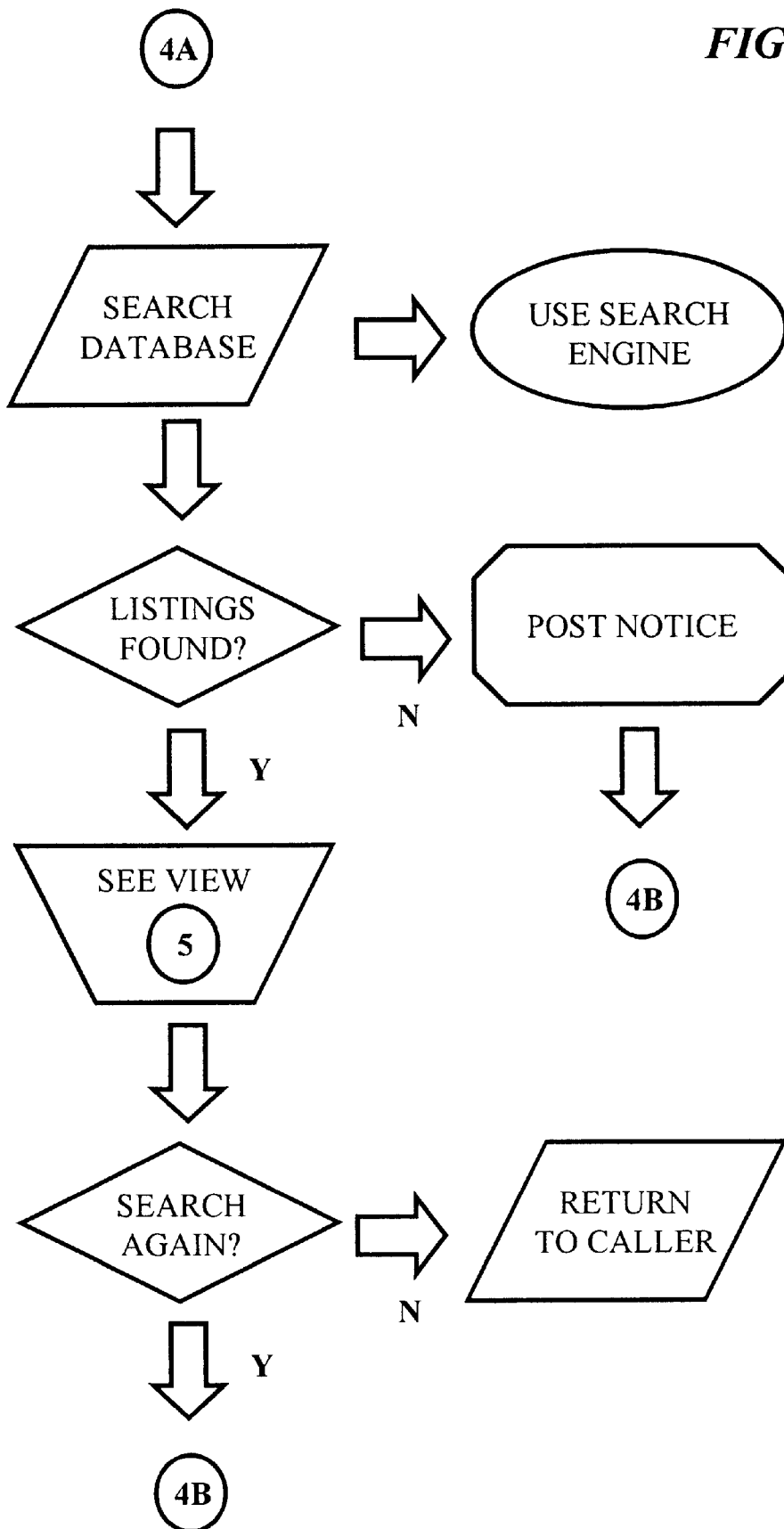
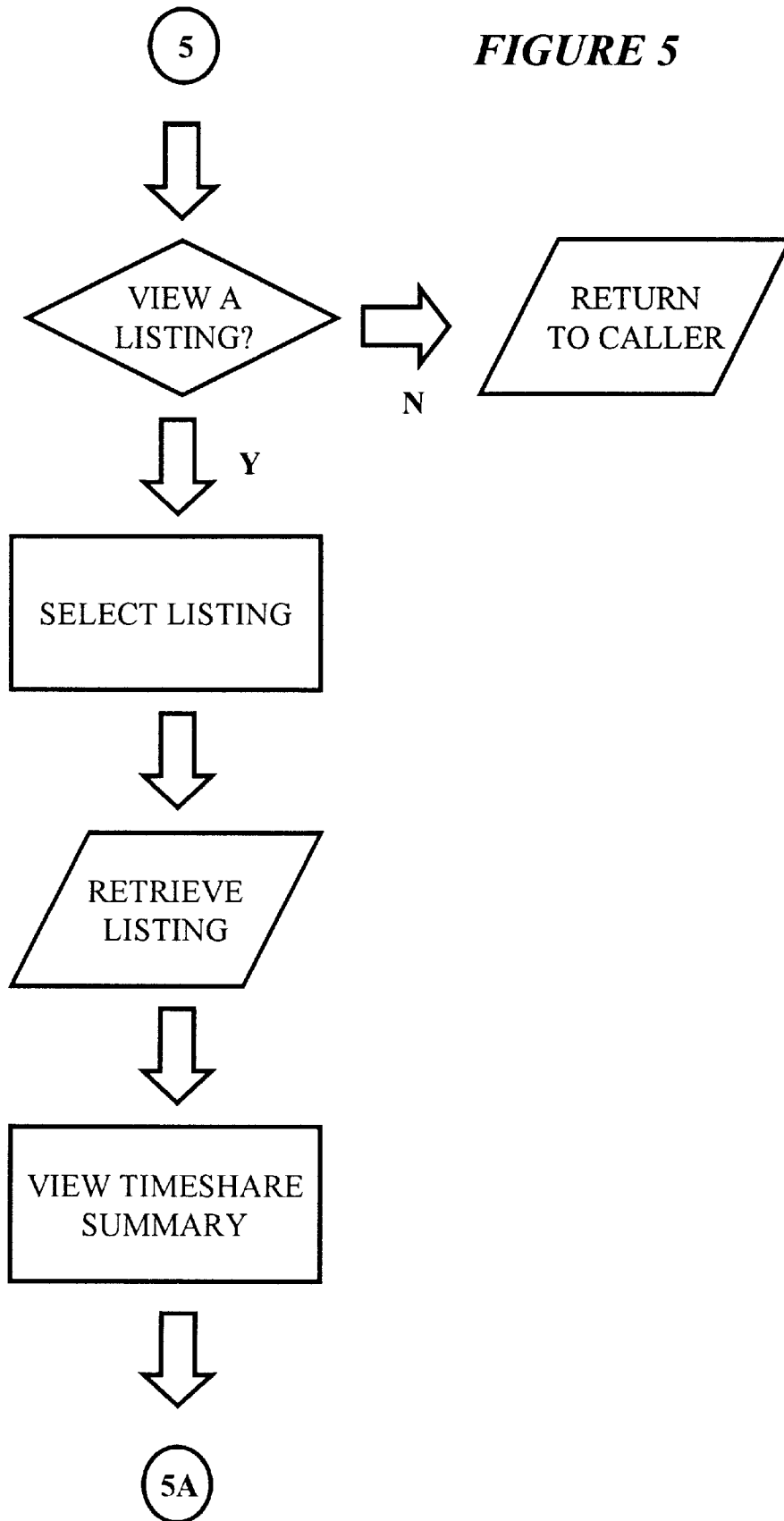


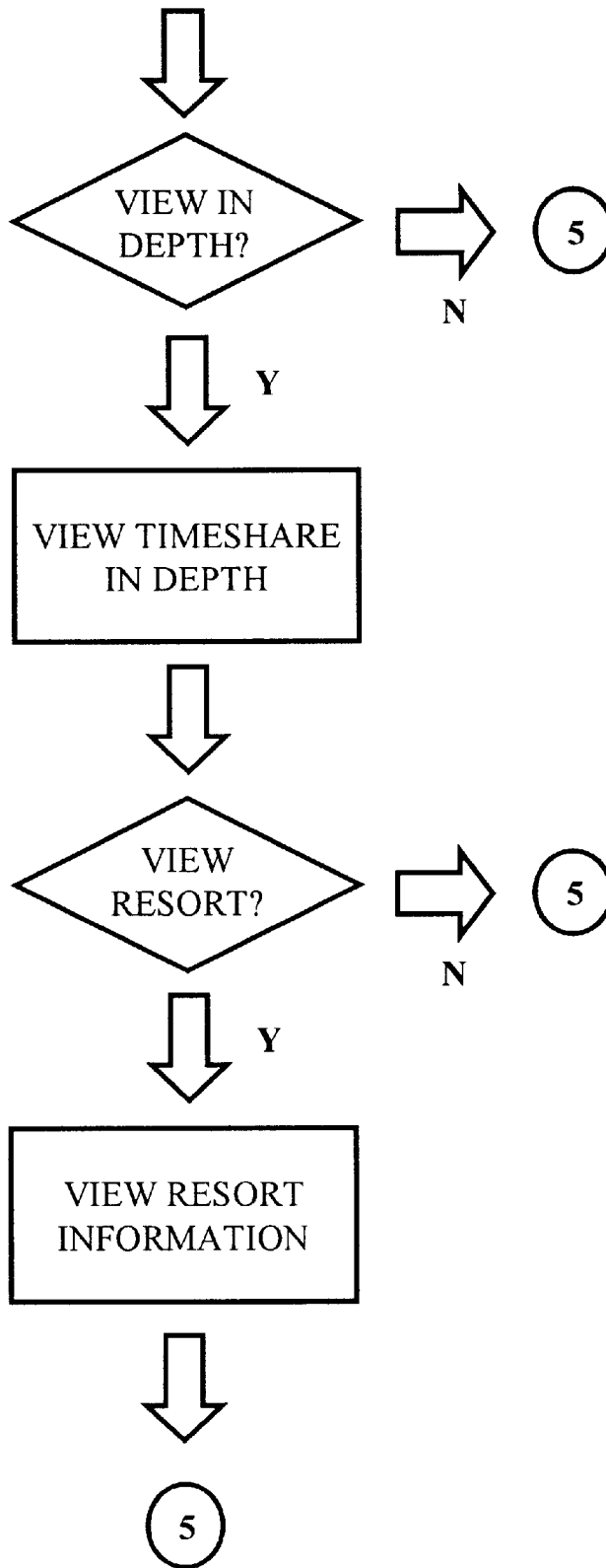
FIGURE 4A





5A

FIGURE 5A



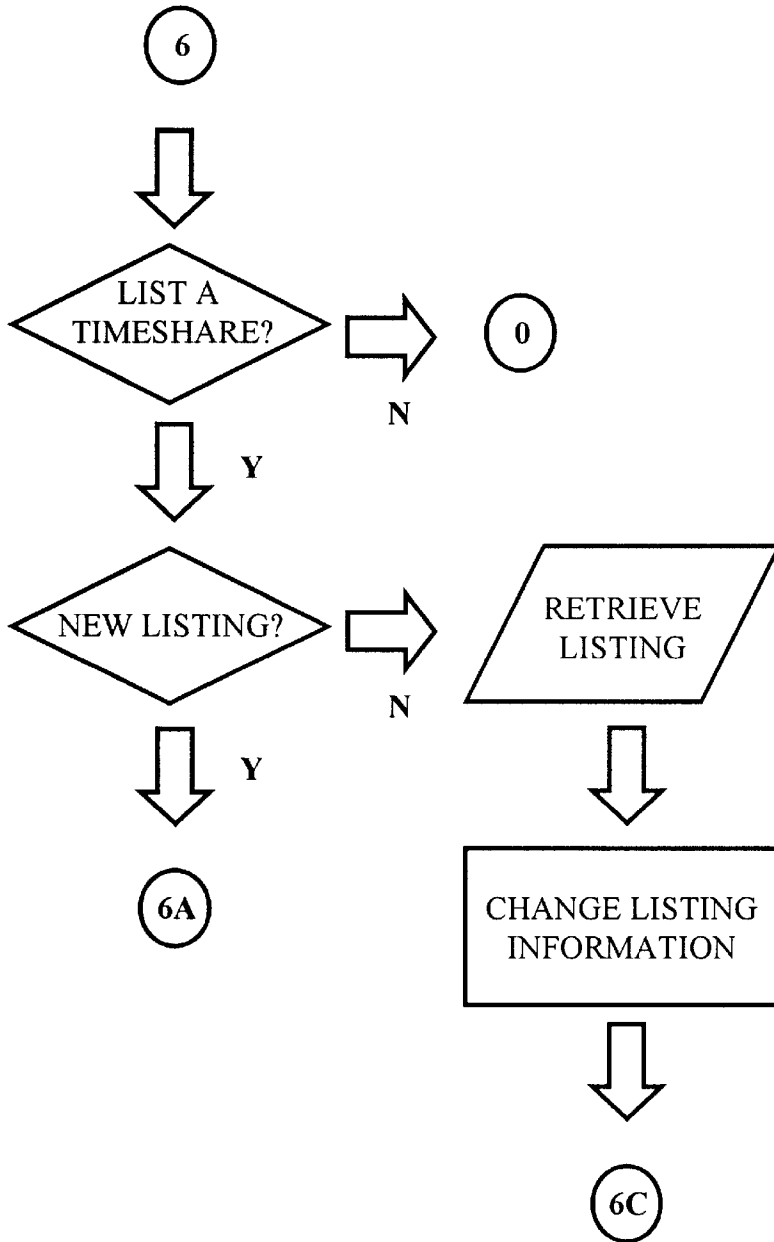
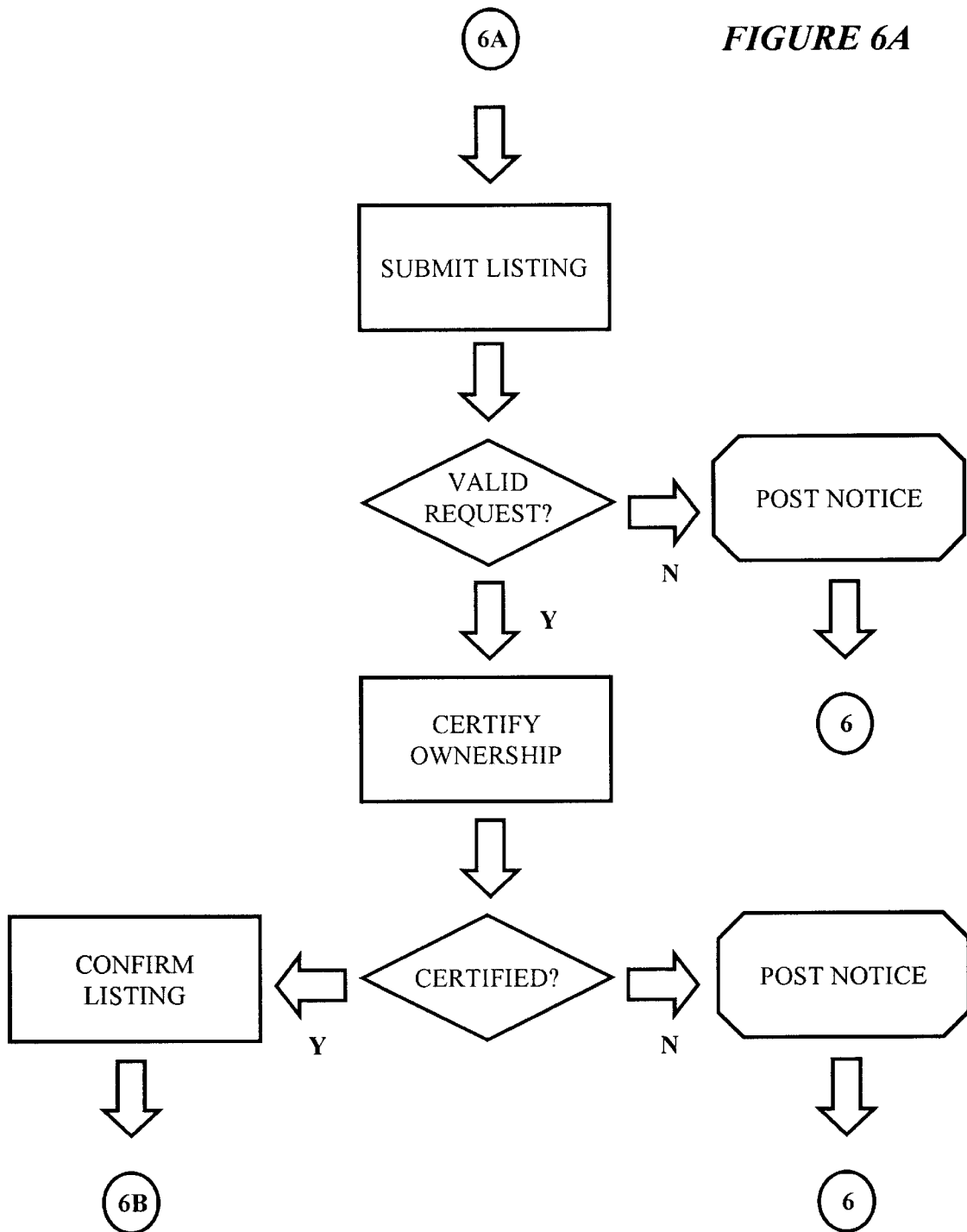
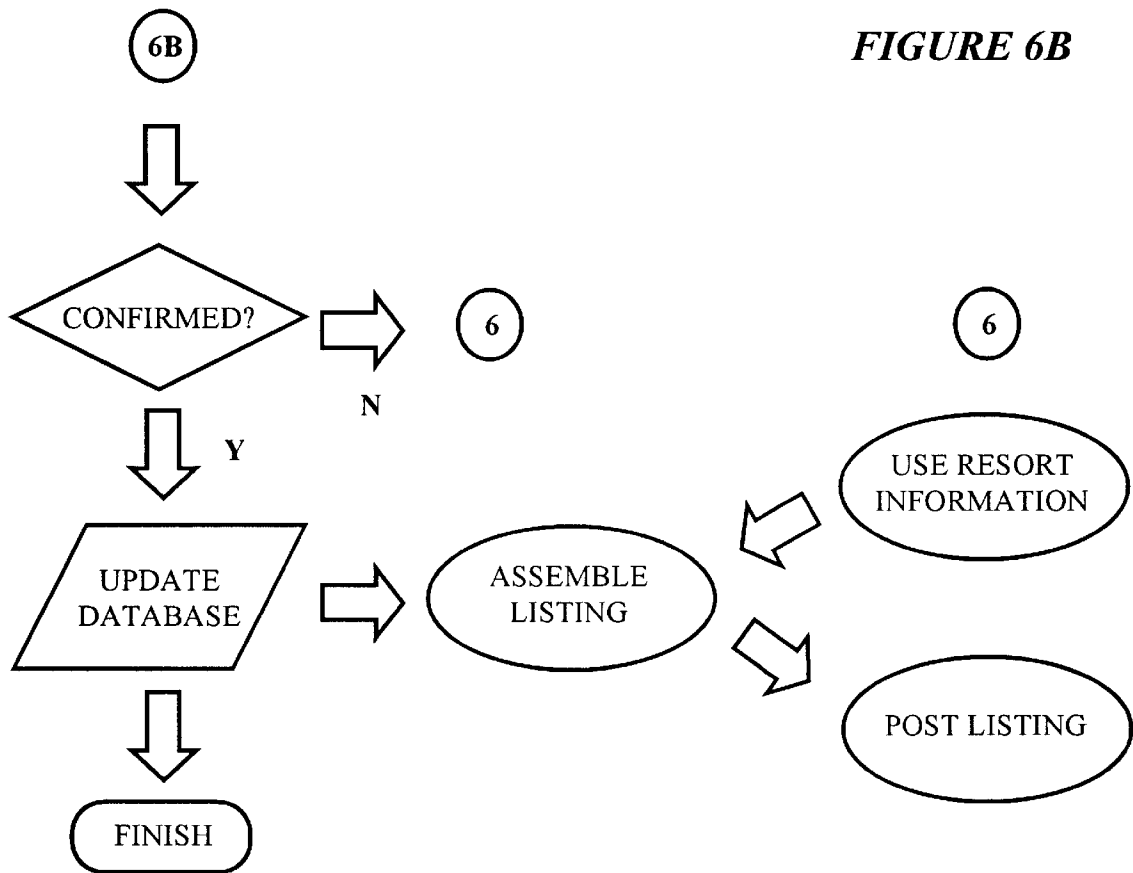


FIGURE 6







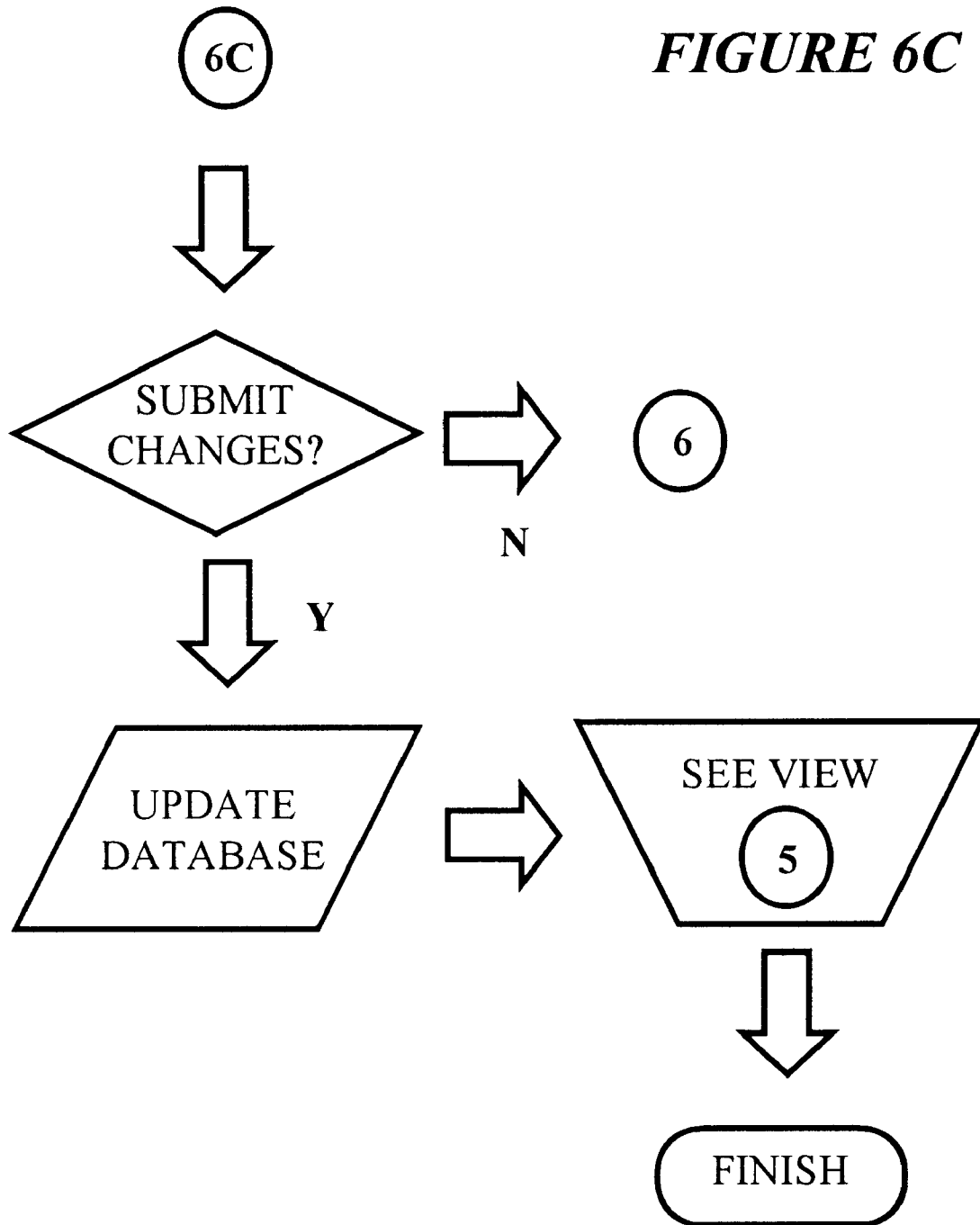
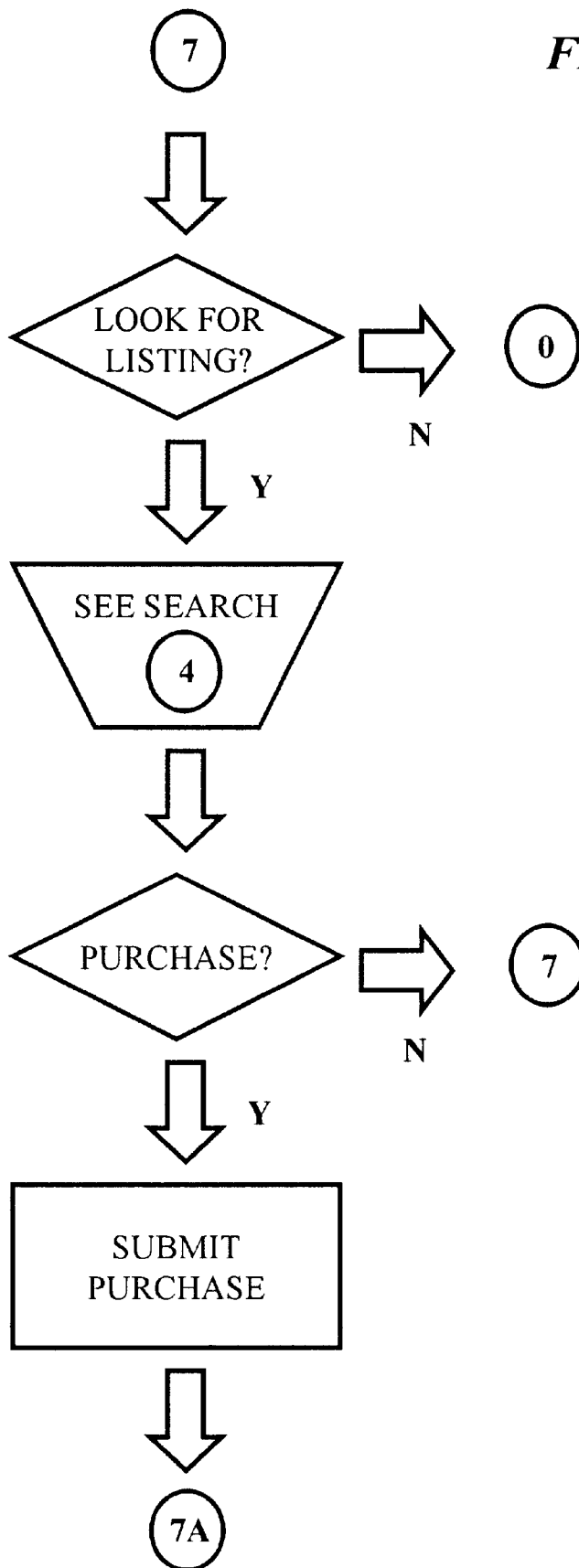
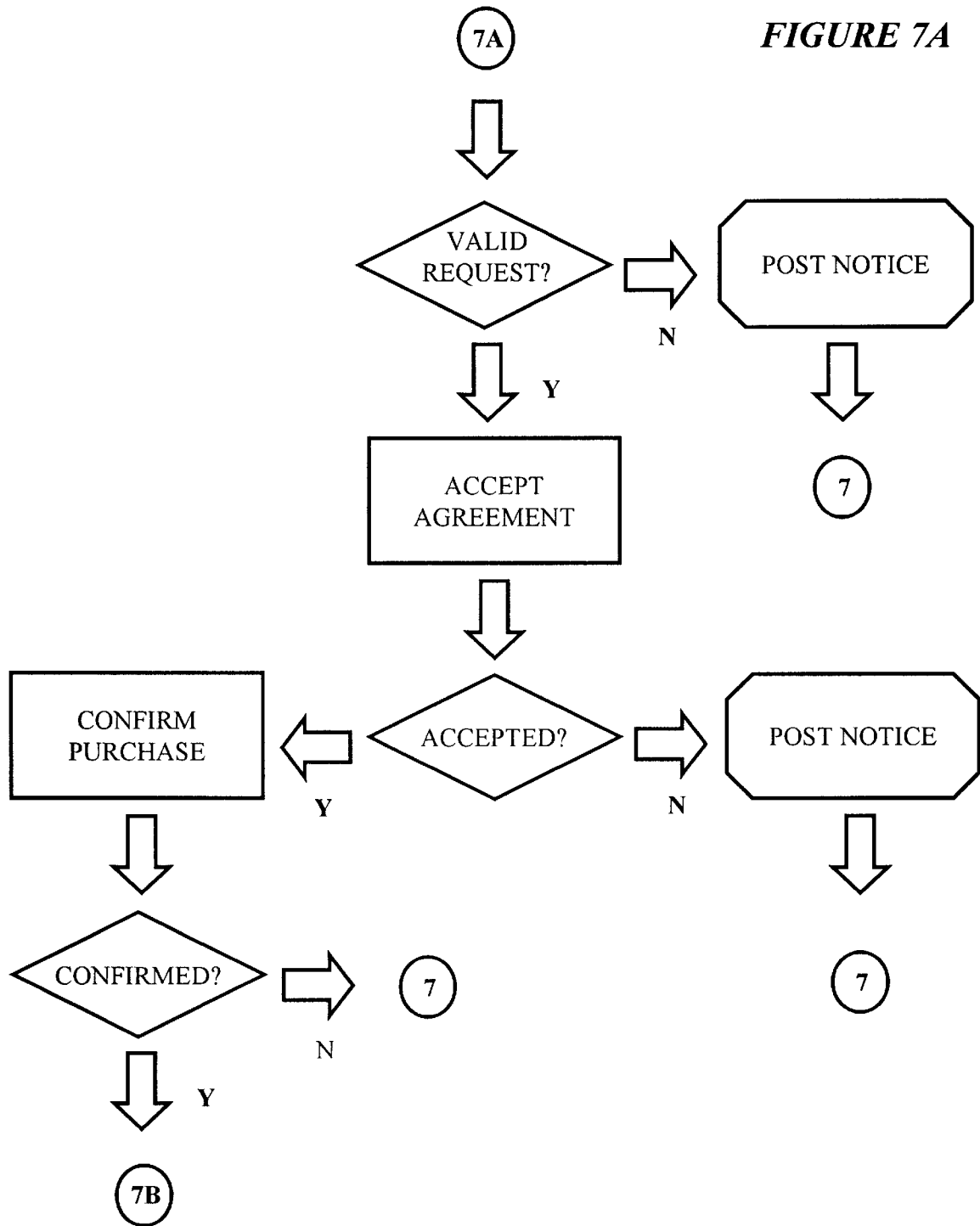


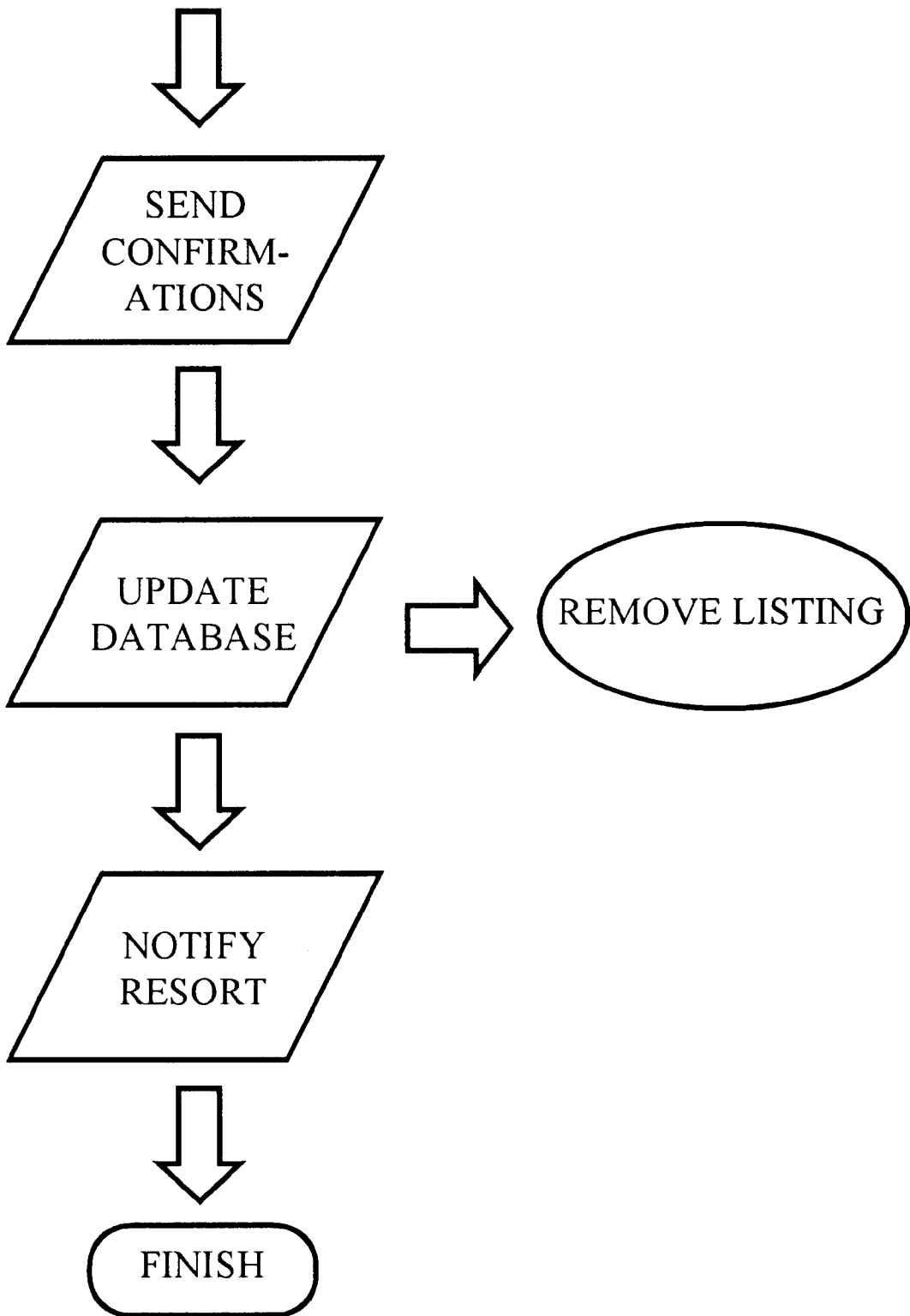
FIGURE 7





7B

**FIGURE 7B**



1

**DIGITAL-TIMESHARE-EXCHANGE**

**BRIEF SUMMARY OF THE INVENTION**

This invention relates to a novel digital process that provides a means for any person, located anyplace and operating within a digital network environment, to independently initiate and automatically complete an instant trade, sale, or exchange of available timeshare properties.

**BACKGROUND OF THE INVENTION**

Timesharing or vacation ownership began in Europe in the middle of the 1960's. Ski resorts in the French Alps were the first to experiment with the idea. Later, in the 1970's the ideas and procedures became well known. It is now estimated that over 3 million timeshares have been sold since 1980 and currently there are approximately 3 thousand vacation ownership resorts in over 75 countries.

The idea of exchanging a vacation ownership week for another vacation week in a different resort began in 1974 when Resort Condominiums International (RCI) was formed by Christel and John DeHaan. Other companies such as Interval International (II) subsequently joined the timeshare industry and in 1994 both companies performed over 1.6 million exchanges using a restricted, cumbersome, slow, and expensive process for the timeshare owner.

The process being used for trading by the major exchange companies, such as RCI and II, requires that a member use a telephone or write a letter in order to "SPACEBANK" a week which is then made available for trade to another member. A member can also "REQUEST" a different week for another desired time and location and a search is conducted by the exchange company employees and the member is informed by telephone or letter if the requested time and place is available. In most instances a member is informed that the requested time and location is not available and new searches for other locations, which can take several months, will be required. Oftentimes the requested timeshare units may actually be available but the member is told that the unit is not available. This misinformation along with allegations that the exchange companies conduct secret timeshare ratings cause confusion to the members and mistrust of the timeshare industry.

From the 3 million timeshares sold it is estimated that over 200 thousand owners in the United States alone want to sell their timeshares at any one time. The usual procedures for resale are through classified ads, auctions; and Estate Sales. A few large resorts provide resale programs which get very little attention and most smaller resorts can not conduct resale programs. In addition, owners are discovering that there is no appropriate system or mechanism for selling or purchasing used timeshares. In fact, in a 1992 survey conducted by Resort Property Owners Association it was found that 58 percent of timeshare owners wanted to sell but only 3 percent were able to do so.

Presently, the usual procedure to conduct and complete the purchase of a timeshare property is to personally visit the site, and listen to hours of high pressure sales from the resort representatives. For most people there is very little opportunity to visit other sites in the United States or other countries to compare values.

**BRIEF DESCRIPTION OF THE DRAWINGS**

FIGS. 1 and 1A describes the steps for connecting to and accessing a Digital-Timeshare-Exchange.

FIG. 1B shows examples of potential digital network environments.

2

FIGS. 2, 2A and 2B describe the process and steps to be taken for submitting a timeshare deposit.

FIGS. 3, 3A, 3B and 3C describe the process and steps for making a timeshare trade.

5 FIGS. 4 and 4A describe the process and steps for conducting a timeshare search.

FIGS. 5 and 5A describe the process and steps for viewing a timeshare listing.

10 FIGS. 6, 6A, 6B and 6C describe the process and steps for submitting and revising a timeshare listing.

FIGS. 7, 7A, and 7B describe the process and steps for making a timeshare purchase.

**DETAILED DESCRIPTION OF THE INVENTION**

**Introduction**

This invention addresses and solves the problems described above in a unique and novel manner. Any person who uses this invention and follows the process and prescribed steps can automatically, electronically, independently, and interactively trade, sell, or exchange timeshare properties instantly using a suitable computer and an appropriate communications medium.

**Requirements for using this invention**

15 To use this invention, a user must connect to a Digital-Timeshare-Exchange by means of a computer with an appropriate communications apparatus over a transmissions medium as illustrated in FIG. 1B. The communications apparatus is a physical device, such as a satellite or modem, and communication software. The computer can be a personal computer or any digital computing device capable of connecting to and communicating with a digital network environment.

20 As illustrated in FIG. 1A, when a user connects to a Digital-Timeshare-Exchange, the user must provide a username and password in order to use this invention. This is done to identify and protect the claims and actions of each user, and to simplify each user's task by requiring the system to correlate, track, and record the users actions. If a user provides the correct username and password, the timeshare database is opened, and the user is given the access and authority to use this invention.

**Use of this invention in a trading process**

25 Trading time on a timeshare property is an automated process controlled by an individual user. A user can be a current owner of a timeshare property who intends to electronically deposit some specific ownership of a timeshare into an account. By depositing a specific time, a user can then apply the time deposited to trade for another specific timeshare property.

30 The deposit as specified by the procedures in this invention is an automated process that is done with computers, where a user is given instructions on executing a series of steps, and the authority to initiate and interact with the process. To make a trade, a user simply follows the steps to execute the process for generating a trade. This process of timeshare trading gives a user complete access and freedom to search and trade for any timeshare currently available in the timeshare database. Unlike the conventional and current procedures of timeshare trading, this computerized process of trading gives unprecedented and independent control to a user for searching and retrieving timeshare information and the ability to dynamically trade and instantly complete a trade in real-time.

35 How the steps are executed in a deposit

As illustrated in FIG. 2, the process for depositing time begins with accessing the user's account. The account is

5,926,793

## 3

created the first time a user registers to enter into this system. As illustrated in FIG. 2A, to make a deposit, the user submits a deposit request form. If the request is valid, that is the deposit is of an acceptable and approved timeshare property, the user is required to certify ownership of the timeshare. If ownership is certified, the user is asked to confirm the deposit.

If a deposit has been confirmed, a set of digital steps is launched to complete this process as illustrated in FIG. 2B. The user's account is automatically updated to record the deposit and the user's respective account for the time deposited is credited. When a successful deposit of a timeshare is made, a listing for the timeshare is assembled and posted in the timeshare database. (see FIGS. 2 and 2A) How the steps are executed in a trade

The first step in the process of timeshare trading begins with a user searching for a timeshare available for trade in the timeshare database. This searching process is described below. When a user finds an available timeshare to trade for, the user submits a trade request form. As illustrated in FIG. 3A, if the request is valid, that is the desired time in a timeshare is available for trade, an official time deposit or credit for the user is verified. If the users account indicates that no equivalent deposit is available for trade, the user can at this step make a deposit as described above. If a deposit has been accepted, the user is asked to confirm the trade.

As illustrated in FIG. 3B, and 3C, if a trade has been confirmed, a set of digital steps is launched to complete this process. The user's account is automatically updated to record the trade and the user's respective account for the time deposited is debited. Availability of the time taken from the timeshare is removed from the timeshare database and the timeshare property management is notified of the trade. How searching is performed in this invention

The process of searching is an integral part of a Digital-Timeshare-Exchange. Searching allows a user to find any assorted array of timeshare properties based on general or specific information of timeshares incorporated within the system.

As illustrated in FIG. 4, to begin a new search, a user chooses from pre-defined sectors or specific regions of the world. This step is accomplished by one of two methods. Either the user can select the area(s) from hyper-linked graphical maps or from a series of text based menus. Once selected, the user can opt to view all timeshare listings for the area(s) or can construct a search to narrow the current selection. Viewing timeshare listings is described below. If the user chooses not to further a search, the user is returned to the next process step from which searching was initiated.

As further illustrated in FIG. 4, to construct a search for distinct timeshare properties, a user selects the criterion upon which the search is defined. Once the criterion has been selected, a user submits a request to process the search. By default, the domain of the search is restricted to the current area(s) the user has selected. However, the user is given the option of a global search if so desired.

If a search produces an empty list (i.e. no listings were found given the user's criterion), the user receives a notice and is given a choice of redefining the search, beginning a new search, or returning to the next process step from which searching was initiated. As illustrated in FIG. 4A, in response to the search criterion, the computer searches the database.

If a search successfully yields any listings, the listings are given to the user for viewing. When the user is finished viewing, the user can either begin a new search, or return to the next process step from which searching was initiated.

## 4

Searching is a procedure widely utilized in many digital information based systems. Within the Digital-Timeshare-Exchange schematic, searching in the timeshare database can be encompassed as a single step in a process that calls for a search.

How a timeshare listing is viewed in this invention

Viewing a timeshare listing with this invention is a simple user action. As illustrated in FIG. 5, the process begins when the user is given (i.e. from a search) a selection of timeshare listings to view. When the user chooses to view from the selection a particular timeshare listing, the listing is retrieved from the timeshare database. A timeshare listing may include any information contributed by the timeshare property owner with relevant information and detailed descriptions of the property as well as images, video, and as illustrated in FIG. 5A, the user can choose to view such in depth timeshare information. When the user has finished viewing the particular listing, the user can choose to view another listing from the current selection, or return to the next process step from which viewing was initiated.

Use of this invention in a owner exchange process

The following procedures and steps describe how specific time or an entire ownership of a timeshare is exchanged between an owner and a purchaser with automated processes that enable a user to automatically and independently sell, buy, or trade on acceptable and approved timeshare properties.

The listing process, as described below, is a set of steps that enables an owner or authorized agent of a timeshare property to easily and flexibly list the owner's timeshare in the timeshare database and to set the terms and conditions for the specific listing: allowing the owner a choice to list specific portions of time or an entire timeshare in exchange for money or for trade at another equivalent timeshare property. The purchasing process, as described below, is a set of steps that enables a user to quickly and readily purchase or make a trade on a timeshare listed in the timeshare database. Both the listing and purchasing processes are automated procedures, where all of the steps are performed and completed electronically, interactively, and in real-time.

How the steps are executed in a listing process

As illustrated in FIG. 6, to assist in the process of listing an owner's timeshare with this invention, an authorized user begins by updating information on a current property or creating a new listing. If the user chooses to revise information on a current listing, the user's listing information is retrieved from the timeshare database. If changes are submitted, the timeshare database is updated. To list a new timeshare, the user submits a post request form. As illustrated in FIG. 6A, 6B, 6C, if the request is valid, that is the timeshare is of an acceptable and approved timeshare property, the user is required to certify ownership of the timeshare and asked to confirm the decision to post. If the decision is confirmed, a listing is assembled and the timeshare is posted in the timeshare database.

How the steps are executed in a purchasing process

As illustrated in FIG. 7, to assist in the process of purchasing with this invention, a user begins by searching for a listing in the timeshare database. This searching process is described above. When a listing is found, the user submits a purchase request form. As illustrated in FIG. 7A, if the request is valid, that is the timeshare requested is available, the user is required to agree to the terms and conditions of the purchase or trade for the requested listing. If the user agrees, the user is asked to confirm the request. As illustrated in FIG. 7B, the request is confirmed, both

5

owner and purchaser are automatically sent confirmation of the exchange with applicable documents. Availability of the timeshare property is removed from the timeshare database and the timeshare property management is notified of the exchange.

We claim:

1. A computer-implemented method and database for trading vacation timeshare property time interests, comprising the steps of:

a user remotely establishing communication with a central computer system having a database, said database storing a plurality of accounts, each account associated with one of a corresponding plurality of users owning interests in vacation timeshare properties;

said user remotely storing in said database an indication of a timeshare interest owned by said user, said indication including a time interval of availability of said timeshare interest;

said computer system crediting an account associated with said user in response to said user remotely storing in said database said indication of a timeshare interest owned by said user;

said user remotely searching said database in response to timeshare desirability criteria, said computer system retrieving from said database and remotely displaying for said user indications of timeshare interests meeting said desirability criteria;

said user selecting a timeshare interest from among timeshare interests remotely displayed for said user;

said computer system debiting said account associated with said user in response to said user selecting a timeshare interest; and

said computer system notifying property management personnel of said timeshare interest selected by said user.

2. The computer-implemented method recited in claim 1, wherein said step of said computer system debiting said account associated with said user in response to said user selecting a timeshare interest comprises the step of said computer system determining whether said account associated with said user has a balance equivalent to said timeshare interest selected by said user.

3. The computer-implemented method recited in claim 1, wherein said step of said user remotely searching said database in response to timeshare desirability criteria comprises the step of said user indicating a geographic region in which said user desires to vacation.

4. The computer-implemented method recited in claim 1, wherein said step of said user remotely searching said

6

database in response to timeshare desirability criteria comprises the step of said user indicating a time interval during which said user desires to vacation.

5. A computer system for trading vacation timeshare property time interests, comprising:

a database for storing a plurality of accounts, each account associated with one of a corresponding plurality of users owning interests in vacation timeshare properties;

communication means for establishing remote communication between a user and a central computer having access to said database;

storage means for storing in said database an indication of a timeshare interest owned by said user;

credit means for crediting an account associated with said user in response to said user remotely storing in said database said indication of a timeshare interest owned by said user;

search means for remotely searching said database in response to timeshare desirability criteria, said computer system retrieving from said database and remotely displaying for said user indications of timeshare interests meeting said desirability criteria;

selection means for selecting a timeshare interest from among timeshare interests remotely displayed for said user;

debit means for debiting said account associated with said user in response to said user selecting a timeshare interest; and

notification means for notifying property management personnel of said timeshare interest selected by said user.

6. The computer system for trading vacation timeshare property time interests recited in claim 5, wherein said debit means comprises means for determining whether said account associated with said user has a balance equivalent to said timeshare interest selected by said user.

7. The computer system for trading vacation timeshare property time interests recited in claim 5, wherein said search means comprises means for searching said database in response to said user indicating a geographic region in which said user desires to vacation.

8. The computer system for trading vacation timeshare property time interests recited in claim 5, wherein said search means comprises means for searching said database in response to said user indicating a time interval during which said user desires to vacation.

\* \* \* \* \*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

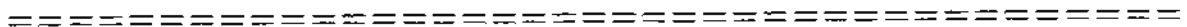
This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

**CV12- 4229 RGK (FFMx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge



**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



Name & Address: ,  
 Christopher W. Arledge (SBN 200767)  
 Joseph K. Liu (SBN 216227)  
 ONE LLP  
 4000 MacArthur Blvd., West Tower, Suite 1100  
 Newport Beach, CA 92660 Tel: 949-502-2870

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

VACATION EXCHANGE, LLC, a Delaware limited liability company,

PLAINTIFF(S)

v.

WYNDHAM EXCHANGE AND RENTALS, INC., a Delaware corporation; and RCI, LLC, a Delaware limited liability company,

DEFENDANT(S).

CASE NUMBER

**CV12-4229 RGK(FFMx)**

**SUMMONS**

TO: DEFENDANT(S): WYNDHAM EXCHANGE AND RENTALS, INC. and RCI, LLC

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Joseph K. Liu, whose address is ONE LLP, 4000 MacArthur Blvd., West Tower, Suite 1100, Newport Beach, CA 92660. If you fail to do so, 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.

Clerk, U.S. District Court

Dated: May 15, 2012

By: NANCY INTERIANO  
 Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

BY FAX

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) VACATION EXCHANGE, LLC, a Delaware limited liability company	<b>DEFENDANTS</b> WYNDHAM EXCHANGE AND RENTALS, INC., a Delaware corporation; and RCT, LLC, a Delaware limited liability company
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) ONE LLP, 4000 MacArthur Blvd., West Tower, Suite 1100, Newport Beach, CA 92660; Tel: 949-502-2870; Fax: 949-258-5081	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"> <input type="checkbox"/> 1   <input type="checkbox"/> 1   Incorporated or Principal Place of Business in this State                 </td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"> <input type="checkbox"/> 4   <input type="checkbox"/> 4                 </td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 2   <input type="checkbox"/> 2                 </td> <td style="border: none;">                     Incorporated and Principal Place of Business in Another State                 </td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 5   <input type="checkbox"/> 5                 </td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 3   <input type="checkbox"/> 3                 </td> <td style="border: none;">                     Foreign Nation                 </td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 6   <input type="checkbox"/> 6                 </td> <td style="border: none;"></td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1   Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6	
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1   Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4												
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5													
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6													

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify): \_\_\_\_\_    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND:  Yes    No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23:  Yes    No    
 MONEY DEMANDED IN COMPLAINT: \$ To be determined

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent Infringement (35 U.S.C. §§ 1 et seq)

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Allen Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	---	--

**FOR OFFICE USE ONLY:** Case Number: CV12-4229 RGK(FFMx)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
	New Jersey (as to both defendants, WYNDHAM EXCHANGE AND RENTALS, INC. and RCI, LLC

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
 Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date May 15, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))