

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

VARIANT HOLDINGS, LLC
AND VARIANT, INC.

PLAINTIFFS,

v.

NO. 2:11-CV-00422-JRG

AMERCO; 1859 HISTORIC HOTELS, LTD. D/B/A SOUTH SHORE HARBOUR RESORT CONFERENCE CENTER & SPA D/B/A HILTON HOUSTON HOBBY AIRPORT D/B/A MENGER HOTEL D/B/A THE CROCKETT HOTEL D/B/A INN AT THE WATERPARK D/B/A INN OF THE HILLS RESORT AND CONFERENCE CENTER D/B/A Y.O. RANCH RESORT & CONFERENCE CENTER D/B/A MOUNTAIN LAKE HOTEL D/B/A THE CLIFF HOUSE AT PIKES PEAK D/B/A WILLIAMSBURG HOSPITALITY HOUSE D/B/A FREDERICKSBURG HOSPITALITY HOUSE D/B/A THE BROWN D/B/A OVERTON HOTEL AND CONFERENCE CENTER; AVIS BUDGET GROUP, INC.; AVIS RENT A CAR SYSTEM, LLC; BEST WESTERN INTERNATIONAL, INC.; CARLSON HOLDINGS, INC.; CARLSON HOSPITALITY GROUP, INC.; CARLSON HOTELS, INC.; CARLSON, INC. D/B/A PARK INN BY RADISSON D/B/A CLUB CARLSON; COUNTRY HOSPITALITY WORLDWIDE, INC.; COUNTRY INNS & SUITES BY CARLSON, INC.; COURTYARD MANAGEMENT CORP.; EXECUSTAY, LLC D/B/A EXECUSTAY BY MARRIOTT; FAIRMONT HOTEL MANAGEMENT CO.; FAIRMONT HOTELS & RESORTS (US) INC.; FAIRMONT HOTELS & RESORTS INC. GAL-TEX HOTEL CORP.; HORSESHOE BAY RESORT, INC.; LC WW PARTNERS D/B/A THE WESTIN LA CANTERA RESORT SAN ANTONIO; LE MERIDIEN HOTELS AND RESORTS, LTD.; LH HOUSTON OPERATING, LLC D/B/A HOTEL ICON; LOEWS CORP.; LOEWS HOTELS HOLDING CORP. D/B/A LOEWS HOTELS; MARRIOTT INTERNATIONAL RESORTS, L. P.; MARRIOTT INTERNATIONAL, INC. D/B/A BULGARI HOTELS & RESORTS D/B/A MARRIOTT HOTELS &

RESORTS D/B/A JW MARRIOTT HOTELS &
RESORTS D/B/A RENAISSANCE HOTELS &
RESORTS D/B/A EDITION HOTELS D/B/A
AUTOGRAPH COLLECTION INDEPENDENT
HOTELS D/B/A COURTYARD BY MARRIOTT D/B/A
AC HOTELS BY MARRIOTT D/B/A RESIDENCE INN
BY MARRIOTT D/B/A FAIRFIELD INN & SUITES BY
MARRIOTT D/B/A MARRIOTT CONFERENCE
CENTERS D/B/A TOWNEPLACE SUITES BY
MARRIOTT D/B/A SPRINGHILL SUITES BY
MARRIOTT D/B/A MARRIOTT EXECUTIVE
APARTMENTS D/B/A MARRIOTT GRAND
RESIDENCE CLUB D/B/A GRAND RESIDENCES BY
MARRIOTT D/B/A HOTEL ICON; RADISSON
HOTELS INTERNATIONAL INC.; RENAISSANCE
INTERNATIONAL, INC.; RESIDENCE INN BY
MARRIOTT, LLC; RITZ-CARLTON MANAGEMENT
COMPANY, LLC; SHERATON HOTELS & RESORTS;
STARWOOD HOTELS & RESORTS WORLDWIDE,
INC. D/B/A FOUR POINTS BY SHERATON D/B/A
ALOFTSM HOTELS D/B/A ELEMENTSM HOTELS
D/B/A ELEMENT BY WESTIN D/B/A ST. REGIS
HOTELS & RESORTS D/B/A THE LUXURY
COLLECTION HOTELS & RESORTS D/B/A W
HOTELS WORLDWIDE D/B/A WESTIN HOTELS &
RESORTS D/B/A LE MERIDIEN HOTELS AND
RESORTS D/B/A SHERATON HOTELS & RESORTS;
THE HERTZ CORP. D/B/A HERTZ CORP. D/B/A
HERTZ CAR RENTAL; THE RITZ-CARLTON HOTEL
COMPANY, L.L.C.; THE VALENCIA GROUP INC.
D/B/A HOTEL SORELLA D/B/A HOTEL VALENCIA;
TOWNEPLACE MANAGEMENT, LLC; U-HAUL
INTERNATIONAL, INC.; WECCR GENERAL
PARTNERSHIP D/B/A THE WOODLANDS RESORT &
CONFERENCE CENTER; AND FAIRMONT HOTELS
INC.

DEFENDANTS.

JURY TRIAL DEMANDED

PLAINTIFFS' SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs VARIANT HOLDINGS, LLC and VARIANT, INC. file this Complaint against the Defendants named herein, namely 1859 HISTORIC HOTELS, LTD. D/B/A SOUTH SHORE HARBOUR RESORT CONFERENCE CENTER & SPA D/B/A HILTON HOUSTON

HOBBY AIRPORT D/B/A MENGER HOTEL D/B/A THE CROCKETT HOTEL D/B/A INN AT THE WATERPARK D/B/A INN OF THE HILLS RESORT AND CONFERENCE CENTER D/B/A Y.O. RANCH RESORT & CONFERENCE CENTER D/B/A MOUNTAIN LAKE HOTEL D/B/A THE CLIFF HOUSE AT PIKES PEAK D/B/A WILLIAMSBURG HOSPITALITY HOUSE D/B/A FREDERICKSBURG HOSPITALITY HOUSE D/B/A THE BROWN D/B/A OVERTON HOTEL AND CONFERENCE CENTER; AVIS BUDGET GROUP, INC.; AVIS RENT A CAR SYSTEM, LLC; BEST WESTERN INTERNATIONAL, INC.; CARLSON HOSPITALITY GROUP, INC.; CARLSON HOTELS, INC.; CARLSON, INC. D/B/A PARK INN BY RADISSON D/B/A CLUB CARLSON; COUNTRY INNS & SUITES BY CARLSON, INC.; CARLSON HOLDINGS, INC.; COUNTRY HOSPITALITY WORLDWIDE, INC.; COURTYARD MANAGEMENT CORP.; EXECUSTAY, LLC D/B/A EXECUSTAY BY MARRIOTT; GAL-TEX HOTEL CORP.; HORSESHOE BAY RESORT, INC.; LC WW PARTNERS D/B/A THE WESTIN LA CANTERA RESORT SAN ANTONIO; LE MERIDIEN HOTELS AND RESORTS, LTD.; LOEWS CORP.; LOEWS HOTELS HOLDING CORP. D/B/A LOEWS HOTELS; MARRIOTT INTERNATIONAL RESORTS, L. P.; MARRIOTT INTERNATIONAL, INC. D/B/A BULGARI HOTELS & RESORTS D/B/A MARRIOTT HOTELS & RESORTS D/B/A JW MARRIOTT HOTELS & RESORTS D/B/A RENAISSANCE HOTELS & RESORTS D/B/A EDITION HOTELS D/B/A AUTOGRAPH COLLECTION INDEPENDENT HOTELS D/B/A COURTYARD BY MARRIOTT D/B/A AC HOTELS BY MARRIOTT D/B/A RESIDENCE INN BY MARRIOTT D/B/A FAIRFIELD INN & SUITES BY MARRIOTT D/B/A MARRIOTT CONFERENCE CENTERS D/B/A TOWNEPLACE SUITES BY MARRIOTT D/B/A SPRINGHILL SUITES BY MARRIOTT D/B/A MARRIOTT EXECUTIVE APARTMENTS D/B/A MARRIOTT GRAND RESIDENCE

CLUB D/B/A GRAND RESIDENCES BY MARRIOTT D/B/A HOTEL ICON; RADISSON HOTELS INTERNATIONAL INC.; RENAISSANCE INTERNATIONAL, INC.; RESIDENCE INN BY MARRIOTT, LLC; RITZ-CARLTON MANAGEMENT COMPANY, LLC; STARWOOD HOTELS & RESORTS WORLDWIDE, INC. D/B/A FOUR POINTS BY SHERATON D/B/A ALOFTSM HOTELS D/B/A ELEMENTSM HOTELS D/B/A ELEMENT BY WESTIN D/B/A ST. REGIS HOTELS & RESORTS D/B/A THE LUXURY COLLECTION HOTELS & RESORTS D/B/A W HOTELS WORLDWIDE D/B/A WESTIN HOTELS & RESORTS D/B/A LE MERIDIEN HOTELS AND RESORTS D/B/A SHERATON HOTELS & RESORTS; THE HERTZ CORP. D/B/A HERTZ CORP. D/B/A HERTZ CAR RENTAL; THE RITZ-CARLTON HOTEL COMPANY, L.L.C.; THE VALENCIA GROUP INC. D/B/A HOTEL SORELLA D/B/A HOTEL VALENCIA; TOWNEPLACE MANAGEMENT, LLC; U-HAUL INTERNATIONAL, INC.; WECCR GENERAL PARTNERSHIP D/B/A THE WOODLANDS RESORT & CONFERENCE CENTER; FAIRMONT HOTELS INC., FAIRMONT HOTEL MANAGEMENT CO.; FAIRMONT HOTELS & RESORTS (US) INC. AND FAIRMONT HOTELS & RESORTS INC. (collectively “Defendants”), as follows:

PARTIES

1. Plaintiff VARIANT HOLDINGS, LLC has a place of business in Charlestown, Nevis.
2. Plaintiff VARIANT, INC. has a place of business in McFarland, Wisconsin. Hereinafter, VARIANT HOLDINGS, L.L.C. and VARIANT, INC. are collectively referred to as “VARIANT.”
3. On information and belief, Defendant 1859 HISTORIC HOTELS, LTD. D/B/A SOUTH SHORE HARBOUR RESORT CONFERENCE CENTER & SPA D/B/A HILTON

HOUSTON HOBBY AIRPORT D/B/A MENGER HOTEL D/B/A THE CROCKETT HOTEL D/B/A INN AT THE WATERPARK D/B/A INN OF THE HILLS RESORT AND CONFERENCE CENTER D/B/A Y.O. RANCH RESORT & CONFERENCE CENTER D/B/A MOUNTAIN LAKE HOTEL D/B/A THE CLIFF HOUSE AT PIKES PEAK D/B/A WILLIAMSBURG HOSPITALITY HOUSE D/B/A FREDERICKSBURG HOSPITALITY HOUSE D/B/A THE BROWN D/B/A OVERTON HOTEL AND CONFERENCE CENTER (“1859”) has a place of business in Galveston, Texas.

4. On information and belief, Defendants AVIS BUDGET GROUP, INC. and AVIS RENT A CAR SYSTEM, LLC (“AVIS”) have a place of business in Parsippany, New Jersey.

5. On information and belief, Defendant BEST WESTERN INTERNATIONAL, INC. (“BEST WESTERN”) has a place of business in Phoenix, Arizona.

6. On information and belief, Defendants CARLSON HOSPITALITY GROUP, INC., CARLSON HOTELS, INC., CARLSON, INC. D/B/A PARK INN BY RADISSON D/B/A CLUB CARLSON, CARLSON HOLDINGS, INC. and COUNTRY HOSPITALITY WORLDWIDE, INC. (collectively “CARLSON”) have a place of business in Minnetonka, Minnesota.

7. On information and belief, Defendants COUNTRY INNS & SUITES BY CARLSON, INC. (“COUNTRY INNS”) have a place of business in Minnetonka, Minnesota.

8. On information and belief, Defendant COURTYARD MANAGEMENT CORP. (“COURTYARD”) has a place of business in Memphis, Tennessee

9. On information and belief, Defendant EXECUSTAY, LLC D/B/A EXECUSTAY BY MARRIOTT (“EXECUSTAY”) has a place of business in Gaithersburg, Maryland.

10. On information and belief, Defendant GAL-TEX HOTEL CORP. (“GAL-TEX”) has a place of business in Galveston, Texas. Hereinafter, 1858 and GTHC are collectively referred to as “GAL-TEX.”

11. On information and belief, Defendant HORSESHOE BAY RESORT, INC. (“HORSESHOE BAY”) has a place of business in Horseshoe Bay, Texas.

12. On information and belief, Defendant LC WW PARTNERS D/B/A THE WESTIN LA CANTERA RESORT SAN ANTONIO (“CANTERA”) has a place of business in San Antonio, Texas.

13. On information and belief, Defendants LOEWS CORP. and LOEWS HOTELS HOLDING CORP. D/B/A LOEWS HOTELS (collectively “LOEWS”) have a place of business in New York, New York.

14. On information and belief, Defendants MARRIOTT INTERNATIONAL RESORTS, L. P.; MARRIOTT INTERNATIONAL, INC. D/B/A BULGARI HOTELS & RESORTS D/B/A MARRIOTT HOTELS & RESORTS D/B/A JW MARRIOTT HOTELS & RESORTS D/B/A RENAISSANCE HOTELS & RESORTS D/B/A EDITION HOTELS D/B/A AUTOGRAPH COLLECTION INDEPENDENT HOTELS D/B/A COURTYARD BY MARRIOTT D/B/A AC HOTELS BY MARRIOTT D/B/A RESIDENCE INN BY MARRIOTT D/B/A FAIRFIELD INN & SUITES BY MARRIOTT D/B/A MARRIOTT CONFERENCE CENTERS D/B/A TOWNEPLACE SUITES BY MARRIOTT D/B/A SPRINGHILL SUITES BY MARRIOTT D/B/A MARRIOTT EXECUTIVE APARTMENTS D/B/A MARRIOTT GRAND RESIDENCE CLUB D/B/A GRAND RESIDENCES BY MARRIOTT D/B/A HOTEL ICON (collectively “MARRIOTT”) have a place of business in Bethesda, Maryland.

15. On information and belief, Defendant RADISSON HOTELS INTERNATIONAL INC. (“RADISSON”) has a place of business in Minnetonka, Minnesota.

16. On information and belief, Defendant RENAISSANCE INTERNATIONAL, INC. (“RENAISSANCE”) has a place of business in Dallas, TX.

17. On information and belief, Defendant RESIDENCE INN BY MARRIOTT, LLC; (“RESIDENCE”) has a place of business in Bethesda, Maryland.

18. On information and belief, Defendants RITZ-CARLTON MANAGEMENT COMPANY, LLC and THE RITZ-CARLTON HOTEL COMPANY, L.L.C.; (collectively “RITZ-CARLTON”) have a place of business in Chevy Chase, Maryland.

19. On information and belief, Defendant STARWOOD HOTELS & RESORTS WORLDWIDE, INC. D/B/A FOUR POINTS BY SHERATON D/B/A ALOFTSM HOTELS D/B/A ELEMENTSM HOTELS D/B/A ELEMENT BY WESTIN D/B/A ST. REGIS HOTELS & RESORTS D/B/A THE LUXURY COLLECTION HOTELS & RESORTS D/B/A W HOTELS WORLDWIDE D/B/A WESTIN HOTELS & RESORTS D/B/A LE MERIDIEN HOTELS AND RESORTS D/B/A SHERATON HOTELS & RESORTS and LE MERIDIEN HOTELS AND RESORTS, LTD. (collectively “STARWOOD”) has a place of business in White Plains, New York.

20. On information and belief, Defendant THE HERTZ CORP. D/B/A HERTZ CORP. D/B/A HERTZ CAR RENTAL (“HERTZ”) has a place of business in Park Ridge, New Jersey.

21. On information and belief, Defendant THE VALENCIA GROUP INC. D/B/A HOTEL SORELLA D/B/A HOTEL VALENCIA (“VALENCIA”) has a place of business in Houston, Texas.

22. On information and belief, Defendant TOWNEPLACE MANAGEMENT, LLC; (“TOWNEPLACE”) has a place of business in Bethesda, Maryland.

23. On information and belief, Defendant U-HAUL INTERNATIONAL, INC. (“UHAUL”) has a place of business in Reno, Nevada.

24. On information and belief, Defendant WECCR GENERAL PARTNERSHIP D/B/A THE WOODLANDS RESORT & CONFERENCE CENTER (“WOODLANDS”) has a place of business in the Woodlands, Texas.

25. On information and belief, Defendants FAIRMONT HOTELS INC., FAIRMONT HOTEL MANAGEMENT CO.; FAIRMONT HOTELS & RESORTS (US) INC. AND FAIRMONT HOTELS & RESORTS INC. (collectively “FAIRMONT”) have a place of business in San Francisco, California.

JURISDICTION AND VENUE

26. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, the Defendants are subject to this Court’s specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites comprising infringing methods and apparatuses which are at least used in and/or accessible in this forum. 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/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

27. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, Defendants are subject to personal jurisdiction in this district. On information and belief, the Defendants are subject to this Court's specific and general personal jurisdiction in this district, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites comprising infringing methods and apparatuses which are at least used in and/or accessible in this district. Further, on information and belief, Defendants are subject to the Court's general jurisdiction in this district, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in this district. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, the Defendants are subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites comprising infringing methods and apparatuses which are at least used in and/or accessible in this forum. 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/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,624,044

28. United States Patent No. 7,624,044 (the “‘044 patent”), entitled “System for marketing goods and services utilizing computerized central and remote facilities,” duly and legally issued on November 24, 2009.

29. VARIANT HOLDINGS, LLC is the assignee of the ‘044 Patent. VARIANT, INC. is the exclusive licensee of the ‘044 patent. Plaintiffs have standing to bring this lawsuit for infringement of the ‘044 Patent.

30. The claims of the ‘044 Patent cover, *inter alia*, apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals.

31. On information and belief, all Defendants named herein have infringed the ‘044 patent pursuant to 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals.

32. On information and belief, 1859 has infringed the ‘044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a

computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its websites for renting hotel rooms, namely 1859historichotels.com, sshr.com, http://www1.hilton.com/en_US/hi/hotel/HOUHAHF-Hilton-Houston-Hobby-Airport-Texas/index.do mengerhotel.com, crocketthotel.com, innatthewaterpark.com, innothehills.com, yoresort.com, mtnlakehotel.com, williamsburghosphouse.com, fredericksburghospitalityhouse.com, brownhotel.com, and overtonhotel.com.

33. On information and belief, AVIS has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting vehicles, namely [avis.com](http://www.avis.com)

34. On information and belief, BEST WESTERN has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central

communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely bestwestern.com

35. On information and belief, CARLSON has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms., namely Carlson.com, parkinn.com, and clubcarlson.com.

36. On information and belief, COUNTRY INNS has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms., namely countryinns.com.

37. On information and belief, COURTYARD has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely Marriott.com/courtyard.

38. On information and belief, EXECUSTAY has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely executstay.com.

39. On information and belief, GAL-TEX has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications

facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely 1859historichotels.com, sshr.com, http://www1.hilton.com/en_US/hi/hotel/HOUHAHF-Hilton-Houston-Hobby-Airport-Texas/index.do mengerhotel.com, crocketthotel.com, innatthewaterpark.com, innoftthehills.com, yoresort.com, mtnlakehotel.com, williamsburghosphouse.com, fredericksburghospitalityhouse.com, brownhotel.com, and overtonhotel.com

40. On information and belief, HORSESHOE BAY has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely hsbresort.com

41. On information and belief, CANTERA has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted

to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely westinlacantera.com

42. On information and belief, LOEWS has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely loewshotels.com

43. On information and belief, MARRIOTT has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely marriott.com, bulgarihotels.com, marriott.com/renaissance-hotel/travel.mi, marriott.com/edition-hotel/travel.mi, autographcollectionhotels.com, marriott.com/courtyard/travel.mi#/lobby/video, marriott.com/ac-hotels/travel.mi,

marriott.com/fairfield-inn/travel.mi#/intro-1/s-intro, marriott.com/residence-inn/travel.mi
http://www.marriott.com/conference-centers/travel.mi, marriott.com/towneplace-suites/travel.mi,
marriott.com/springhill-suites/travel.mi, marriott.com/executive-apartments/travel.mi,
grandresidenceclub.com, and hotelicon.com.

44. On information and belief, RADISSON has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely Radisson.com.

45. On information and belief, RENAISSANCE has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely marriott.com/renaissance-hotel/travel.mi.

46. On information and belief, RESIDENCE has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely Marriott.com/residence-inn/travel.mi.

47. On information and belief, RITZ-CARLTON has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely ritzcarlton.com.

48. On information and belief, STARWOOD has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central

communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely starwoodhotels.com, starwoodhotels.com/fourpoints, starwoodhotels.com/alofthotels, starwoodhotels.com/element, starwoodhotels.com/stregis, starwoodhotels.com/luxury, starwoodhotels.com/whotels, starwoodhotels.com/lemeridien, starwoodhotels.com/westin, and starwoodhotels.com/Sheraton.

49. On information and belief, HERTZ has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting vehicles, namely hertz.com.

50. On information and belief, VALENCIA has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims

of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely valenciagroup.com, hotelsorella-citycentre.com, hotelvalencia-riverwalk.com, hotelvalencia-santanarow.com.

51. On information and belief, TOWNEPLACE has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely Marriott.com/towneplace-suites/travel.mi.

52. On information and belief, UHAUL has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting vehicles and equipment, namely uhaul.com

53. On information and belief, WOODLANDS has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or

offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely woodlandsresort.com

54. On information and belief, FAIRMONT has infringed the '044 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States of apparatuses to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, wherein at least one of said computerized central communications facilities is adapted to provide customer information regarding rentals, and which are covered by one or more claims of the '044 patent. On information and belief, such apparatuses comprise its website for renting rooms, namely Fairmont.com.

55. To the extent that facts learned during the pendency of this case show that Defendants' infringement includes indirect infringement, VARIANT reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

56. To the extent that facts learned during the pendency of this case show that this is an "exceptional case," VARIANT reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

57. Upon information and belief, each Defendant's infringement of the '044 patent since receiving notice of the patent, at a minimum by virtue of this lawsuit, has necessarily been willful and objectively reckless at least due to the fact that the Defendants' infringement is clear and there is no known good faith basis to assert invalidity.

58. As a result of Defendants' infringing conduct, Defendants have damaged VARIANT. Defendants are liable to VARIANT in an amount that adequately compensates VARIANT for their infringement, which, by law, can be no less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, VARIANT respectfully requests that this Court enter:

1. A judgment in favor of VARIANT that Defendants have infringed the '044 patent;
2. 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 infringing the '044 patent;
3. A judgment and order requiring Defendants to pay VARIANT its damages, costs, expenses, fees and prejudgment and post-judgment interest for Defendants' infringement of the '044 patent as provided under 35 U.S.C. §§ 284 and/or 285; and
4. Any and all other relief to which VARIANT may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

September 26, 2012

Respectfully submitted,

COLLINS, EDMONDS & POGORZELSKI, PLLC

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ATTORNEYS FOR PLAINTIFFS
VARIANT HOLDINGS, LLC AND
VARIANT, INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

September 26, 2012

/s/ John J. Edmonds
John J. Edmonds