

2. Defendant Travelzoo Inc., d/b/a Fly.com is a Delaware Corporation having its principal place of business at 590 Madison Avenue, 37th Floor, New York, New York 10022, and doing business throughout this judicial district and throughout the United States. Travelzoo Inc. operates a website found at www.fly.com. *See* Travelzoo, Inc. Annual Report (Form 10-K) at 1 (Feb. 21, 2012) (stating, “We also operate Fly.com, a travel search engine that enables users to find and compare the best flight options from multiple sources, including airline and online travel agency websites.”).

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that this civil action arises under the federal patent statutes, 35 U.S.C. §§ 271 and 281-285.

4. This Court has personal jurisdiction over Fly.com because Fly.com has committed acts giving rise to this action within Delaware and within this judicial district and has established minimum contacts within this forum such that the exercise of jurisdiction over Fly.com would not offend the traditional notions of fair play and substantial justice.

5. For example, Fly.com has committed acts of infringement in this District by offering combined flight and hotel travel booking services on its website that infringe claims of United States Patent Nos. 7,490,091, 7,421,468, and 7,277,918.

6. Venue in the District of Delaware is proper pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Fly.com has committed acts within this judicial district giving rise to this action, and Fly.com has and continues to conduct

business in this judicial district, including one or more acts of selling, using, importing, and/or offering for sale products or providing service and support to Fly.com's customers in this District.

7. Venue in the District of Delaware is also proper because Fly.com is organized and governed by the incorporation laws of Delaware. Fly.com maintains a registered agent for service of process in Delaware.

8. Venue in the District of Delaware is also proper because Metasearch Systems is organized and governed by the incorporation laws of Delaware. Metasearch Systems maintains a registered agent for service of process in Delaware.

9. Venue in the District of Delaware is also proper because this District is centrally located to resolve common issues of fact among Metasearch Systems and Fly.com.

FACTUAL BACKGROUND

Asserted Patents

10. On February 10, 2009, the United States Patent and Trademark Office issued United States Patent No. 7,490,091 entitled "Metasearching a Client's Request for Displaying at least one List Comprising at least one Advertisement on the Client" ("the '091 patent"). A copy of the '091 patent is attached as Exhibit A.

11. On September 2, 2008, the United States Patent and Trademark Office issued United States Patent No. 7,421,468 entitled "Metasearching a Client's Request by Sending a Plurality of Queries to a Plurality of Servers for Displaying Different Lists on the Client" ("the '468 patent"). A copy of the '468 patent is attached as Exhibit B.

12. On October 2, 2007, the United States Patent and Trademark Office issued United States Patent No. 7,277,918 entitled “Metasearching By Sending A Plurality Of Queries To A Plurality Of Servers” (“the ’918 patent”). A copy of the ’918 patent is attached as Exhibit C.

13. Collectively, the ’091, ’468, and ’918 patents are referred to as the “Asserted Patents.”

14. The Asserted Patents all relate to metasearch engine technologies on the Internet.

15. Each of the Asserted Patents claims priority to related United States Patent Application No. 09/510,419, which was filed with the United States Patent and Trademark Office on February 22, 2000 and issued as United States Patent No. 6,789,073.

16. The Asserted Patents are part of the Metasearch Systems Portfolio. The patents included in the Metasearch Systems Portfolio have been cited by major businesses in the computer, software, communications, and mobile industries. The patented technology has been cited in at least 54 patents and publications, with many of these patents assigned to corporations such as Google, Yahoo!, Facebook, IBM, HP, Microsoft, Canon, Fujitsu, SAP, Overstock, Palm, Netsuite, GlobalSpec, SPL Innotech, and NHN (Naver Portal).

17. Each of the Asserted Patents was duly and legally issued to Harvey Lunenfeld.

18. Mr. Lunenfeld is a Licensed Professional Engineer, and holds Master of Electrical Engineering and Master of Science in Civil (Environmental) Engineering degrees from New York University, and a Bachelor of Electrical Engineering degree from The City College of New York. He has also performed post graduate and other related work.

19. Mr. Lunenfeld started his professional career at the very prestigious Wheeler Laboratories. Throughout his career, Mr. Lunenfeld has worked on new and emerging technologies, technology forecasting, the conceptualization, development, and implementation of next generation technologies, and is accomplished in a number of fields.

20. Mr. Lunenfeld has directed, managed, engineered, and implemented highly sophisticated systems and future technologies, including: advanced electronics systems, remote sensing, satellite and space technology, ground water mapping, adaptive phased array antenna systems, intelligence gathering and state-of-the-art electronic systems for advanced aircraft and spacecraft.

21. Mr. Lunenfeld is also a forerunner and pioneer in environmental protection, the development of environmental laws and regulations, has managed environmental protection for the U.S. Government, and was awarded the Bronze Medal from the U.S. Environmental Protection Agency for his work.

22. Mr. Lunenfeld is a pioneer in internet and network technology, and has developed early search engine technology. Mr. Lunenfeld has worked to develop new online web searching methods, which include single and multiple queries of multiple

server devices. Drawing on his background and experience, Mr. Lunenfeld determined a way to simultaneously send search queries across multiple server devices, while keeping track of results relevant to each search query. He also designed a number of websites in the late 1990s, including one of the first internet e-commerce systems.

23. Metasearch Systems is the exclusive licensee of all rights, titles, and interests in the Asserted Patents.

Fly.com

24. Fly.com is an online travel booking service that provides travel services to over three million unique visitors that visit Fly.com's site on a monthly basis. *See* Travelzoo, Inc. Annual Report (Form 10-k) at 5 (Feb. 21, 2012).

25. Fly.com offers a trip-planning metasearch service accessible through various websites including, for example, www.fly.com.

26. Fly.com's trip-planning metasearch service is available to customers browsing on the Internet. *See* Travelzoo, Inc. Annual Report (Form 10-k) at 1 (Feb. 21, 2012).

27. As stated on its website, Fly.com's trip-planning service metasearch engine provides the ability for users to search for flights and hotels. As "an innovative search engine," Fly.com "find[s] the best prices on flights from hundreds of airlines and online travel agencies with one quick and easy search" as stated at www.fly.com/faq.

COUNT I

Fly.com's Infringement of the '091 Patent

28. Metasearch Systems restates and realleges each of the allegations set forth above and incorporates them herein.

29. Claim 16 of the '091 patent states:

A process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network activated by a request executed on a client device to request the metasearch engine to send at least one search query to a plurality of server devices, the at least one search query comprising at least one keyword phrase, the at least one keyword phrase comprising at least one keyword, comprising the steps of:

(a) receiving, at the metasearch engine, the request from the client device for the metasearch engine to send the at least one search query comprising the at least one keyword phrase to the plurality of server devices;

(b) sending, by the metasearch engine, the at least one search query comprising the at least one keyword phrase to the plurality of server devices;

(c) receiving, at the metasearch engine, search results from the plurality of server devices in response to the at least one search query comprising the at least one keyword phrase sent to the plurality of server devices;

(d) incorporating, by the metasearch engine, the received search results into at least one display list corresponding to the at least one keyword phrase;

(e) incorporating, by the metasearch engine, the at least one display list into a response for communicating to the client device and incorporating, by the metasearch engine, at least one advertisement associated with the at least one keyword phrase into the response for communicating to the client device;

(f) communicating, by the metasearch engine, the response from the metasearch engine to the client device;

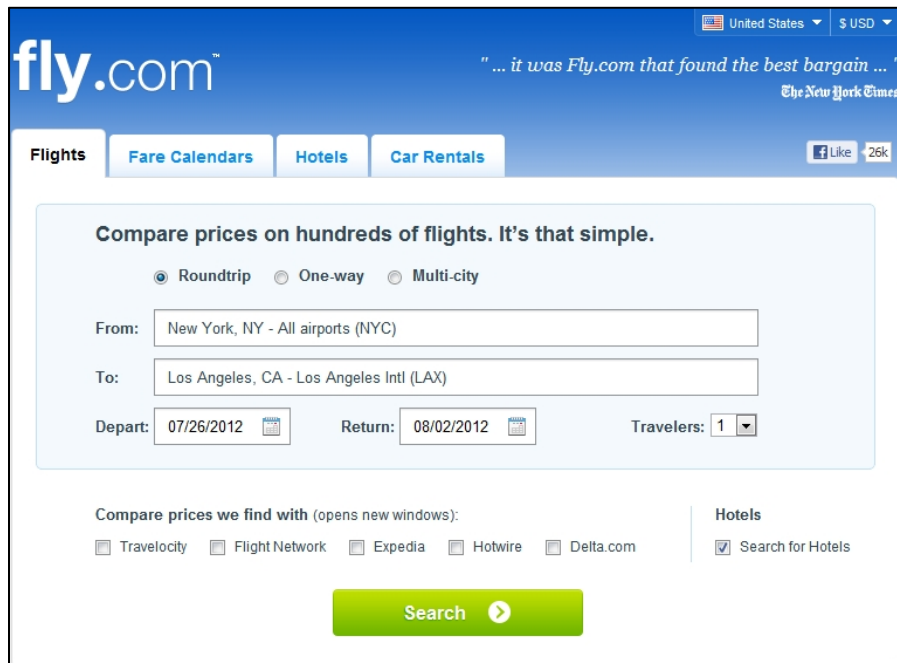
30. Fly.com's trip-planning metasearch service, which includes a metasearch engine found on at least www.fly.com, meets each and every element of at least claim 16 of the '091 patent.

31. Fly.com performs a process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network.

32. Fly.com's metasearch engine receives a request from the client device to send at least one search query comprising at least one keyword phrase to the plurality of server devices. The request from the client device can be associated with at least one travel related item, including such items as an airline ticket, car rental, or other type of travel related item. Figure 1 below shows an interface whereby Fly.com's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby Fly.com's trip-planning metasearch engine received a request to send a plurality of search queries at www.fly.com on July 12, 2012.



The screenshot displays the fly.com website interface. At the top, there is a blue header with the fly.com logo on the left, a navigation menu with tabs for "Flights", "Fare Calendars", "Hotels", and "Car Rentals", and a "Like 26k" button on the right. Below the header, a search form is presented with the heading "Compare prices on hundreds of flights. It's that simple." The form includes radio buttons for "Roundtrip" (selected), "One-way", and "Multi-city". The "From:" field contains "New York, NY - All airports (NYC)", the "To:" field contains "Los Angeles, CA - Los Angeles Intl (LAX)", the "Depart:" field shows "07/26/2012", the "Return:" field shows "08/02/2012", and the "Travelers:" dropdown is set to "1". Below the form, there are checkboxes for "Compare prices we find with" (Travelocity, Flight Network, Expedia, Hotwire, Delta.com) and a "Hotels" section with a checked "Search for Hotels" option. A large green "Search" button with a right-pointing arrow is at the bottom.

33. Fly.com's metasearch engine sends the at least one search query comprising the at least one keyword phrase to the plurality of server devices.

34. Fly.com's metasearch engine receives search results from the plurality of server devices in response to the at least one search query comprising the at least one keyword phrase sent to the plurality of server devices.

35. Fly.com's metasearch engine incorporates the received search results into at least one display list corresponding to the at least one keyword phrase.

36. Fly.com's metasearch engine incorporates the at least one display list into a response for communicating to the client device and incorporates at least one advertisement associated with the at least one keyword phrase into the response for communicating to the client device. Figure 2 below shows at least one display list incorporated into a response, the response incorporating at least one advertisement associated with the at least one keyword phrase:

Figure 2

Screenshots of responses sent from Fly.com's trip-planning metasearch engine from www.fly.com on July 12, 2012.

fly.com™ United States | \$ USD

... it was Fly.com that found the best bargain ... The New York Times

Flights | Hotels | Car Rentals

New York (NYC) to Los Angeles (LAX)

07/26/2012 to 08/02/2012
1 traveler

Modify Search

1168 of 1168 results

Filter your results:

Stops: Best
 nonstop \$440
 1 stop \$441

Flight Times: Leave
 take off landing
 Take off: 5:00a - 10:55p

Return: take off landing

Lowest Fares | All Airlines | Fare Calendar

	All	United Airlines	Virgin America	American Airlines	Delta Air Lines	JetBlue Airways
nonstop	\$440	\$440	\$484	\$490	\$455	\$485
1 stop	\$441	\$515	\$441	\$441	\$471	\$911

Calendar best price: \$272

Price (pp) | Airline | From | To | Take-off | Land | Duration | Stops | Cabin

\$440 roundtrip w/tax
 Go to site | Select from: united.com: \$440

\$440 roundtrip w/tax
 Go to site | Select from: united.com: \$440

Sponsored Links:
 Hot Flight Deals: Exclusive Deals On Flights From NY at Liberty Travel™. Book Today!
 JetBlue Flight Deals: Low fares to New York See all flights deals & book now
 Flights to Los Angeles: Book United's Guaranteed Lowest Fare to Los Angeles, CA Today.
 Los Angeles From \$155: Best Price Guarantee On Flights. Book Los Angeles Flights Today!
 Los Angeles | BookIt®: Save 50% Off Los Angeles Hotels w/Instant Rebates, Upgrades & More
 Flights to New York: Departing Rochester From \$119rt Other Cities Available. Book Now!

fly.com™ ...it was Fly.com that found the best bargain... The New York Times

Flights | Hotels | Car Rentals

Los Angeles, CA | 07/26/2012 | 08/02/2012 | 1 room | 1 guest | Find Hotels

722 of 722 hotels

Los Angeles, CA
Thu Jul 26 2012 – Thu Aug 2 2012 1 guest in 1 room

Sort: Relevance | Price | Stars | Distance | Price alert

\$84 \$ up
 Save up to 50% on Los Angeles Hotels
 \$84+ 3-star hotels | \$167+ 4-star hotels
 Go to site

\$151 \$175 total
 Sheraton Gateway Los Angeles Hotel
 6101 West Century Boulevard | 7/10 user rating | 486 reviews
 Go to site

\$166
 The Westin Los Angeles Airport
 5400 West Century Boulevard | 7/10 user rating | 602 reviews
 Go to site

\$249
\$181
 Renaissance Los Angeles Airport Hotel
 9620 Airport Boulevard | 8/10 user rating | 417 reviews
 Go to site

Stars: \$246, \$122, \$65, \$20
 Price: \$20 to \$630

Los Angeles Group Rates: Save up to 77% by booking as a group.
 \$49 4-Star Hotel Deals
 Ramada Los Angeles
 150 Hotels in Los Angeles
 Best Hotels at Low Rates
 Crowne Plaza Los Angeles
 LA Hotels from \$99

37. Fly.com's metasearch engine communicates the response from the metasearch engine to the client device.

38. Fly.com has infringed and continues to infringe—directly and/or under the doctrine of equivalents, and/or indirectly by active inducement—at least one claim of the '091 patent by, among other things, using and practicing methods that embody one or more claims of the '091 patent in violation of 35 U.S.C. § 271(a), and/or specifically intending its customers to directly infringe one or more claims of the '091 patent in violation of 35 U.S.C. § 271(b). Fly.com has had knowledge of the '091 patent at least as early as the filing of the original complaint. See Exhibit D (preliminary exemplary evidence of Fly.com's infringement of the '091 patent).

39. Metasearch Systems incorporates Exhibit D as fully set forth in this Complaint. Exhibit D sets forth preliminary exemplary evidence of Fly.com's infringement of claim 16 of the '091 patent. The first column in the chart attached as Exhibit D sets forth each element of claim 16 of the '091 patent. The second column in the chart sets forth preliminary exemplary evidence of Fly.com's infringement of each element of claim 16 of the '091 patent. An adequate response to Metasearch Systems' allegations would be in the form of a response incorporated in a third column of the chart. For the purposes of answering the allegations of this Complaint, Metasearch Systems will provide an electronic version of Exhibit D with a third column for Fly.com to provide its response to the preliminary exemplary evidence for each claim element of claim 16 of the '091 patent.

40. Fly.com does not have a license or permission to use the claimed subject matter in the '091 patent.

41. Fly.com's infringement of the '091 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Fly.com is enjoined from infringing the '091 patent.

COUNT II

Fly.com's Infringement of the '468 Patent

42. Metasearch Systems restates and realleges each of the allegations set forth above and incorporates them herein.

43. Claim 1 of the '468 patent states:

A process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network activated by a request executed on a client device to request the metasearch engine to send a plurality of search queries comprising at least two keyword phrases to a plurality of server devices, each search query of the plurality of search queries comprising a keyword phrase of the at least two keyword phrases, each of the at least two keyword phrases comprising at least one keyword, comprising the steps of:

(a) receiving, at the metasearch engine, the request from the client device for the metasearch engine to send the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices;

(b) sending, by the metasearch engine, the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices;

(c) receiving, at the metasearch engine, search results from the plurality of server devices in response to the plurality of search queries comprising the at least two keyword phrases sent to the plurality of server devices;

(d) incorporating, by the metasearch engine, the received search results into at least two different display lists corresponding to the at least two keyword phrases;

(e) incorporating, by the metasearch engine, the at least two different display lists of received search results into a response for communicating to the client device;

(f) communicating, by the metasearch engine, the response from the metasearch engine to the client device.

44. Fly.com's trip-planning metasearch service, which includes a metasearch engine found on at least www.fly.com, meets each and every element of at least claim 1 of the '468 patent.

45. Fly.com performs a process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network.

46. Fly.com's metasearch engine receives a request from a client device to send the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices. The request from the client device can be associated with a plurality of travel related items, including such items as an airline ticket, hotel reservation, or other type of travel related item. Figure 1 below shows an interface whereby Fly.com's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby Fly.com's trip-planning metasearch engine received a request to send a plurality of search queries at www.fly.com on July 12, 2012.

fly.com™
" ... it was Fly.com that found the best bargain ... "
The New York Times

United States | \$ USD

Flights | Fare Calendars | Hotels | Car Rentals | Like 26k

Compare prices on hundreds of flights. It's that simple.

Roundtrip One-way Multi-city

From: New York, NY - All airports (NYC)

To: Los Angeles, CA - Los Angeles Intl (LAX)

Depart: 07/26/2012 | Return: 08/02/2012 | Travelers: 1

Compare prices we find with (opens new windows):
 Travelocity Flight Network Expedia Hotwire Delta.com

Hotels
 Search for Hotels

Search

47. Fly.com's metasearch engine sends the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices.

48. Fly.com's metasearch engine receives search results from the plurality of server devices in response to the plurality of search queries comprising the at least two keyword phrases sent to the plurality of server devices.

49. Fly.com's metasearch engine incorporates the received search results into at least two different display lists corresponding to the at least two keyword phrases.

50. Fly.com's metasearch engine incorporates the at least two different display lists of received search results into a response for communicating to the client device. Figures 2 and 3 below show the at least two different display lists of received search results incorporated into a response:

Figure 2

Screenshot of responses sent from Fly.com's trip-planning metasearch engine from www.fly.com on July 12, 2012.

fly.com
"... it was Fly.com that found the best bargain ..."
The New York Times

Flights Hotels Car Rentals

New York (NYC) to Los Angeles (LAX)
07/26/2012 to 08/02/2012
1 traveler

Modify Search

1168 of 1168 results

Filter your results:

Stops

Best \$440
 nonstop
\$441
 1 stop

Flight Times

Leave

take off landing
Take off: 5:00a - 10:55p

Return

take off landing

Calendar best price: \$272

Lowest Fares All Airlines Fare Calendar

	All	United Airlines	Virgin America	American Airlines	Delta Air Lines	JetBlue Airways
nonstop	\$440	\$440	\$484	\$490	\$455	\$485
1 stop	\$441	\$515	\$441	\$441	\$471	\$911

Price (pp) Airline From To Take-off Land Duration Stops Cabin

\$440 roundtrip w/tax
Go to site: [united.com: \\$440](#)

\$440 roundtrip w/tax
Go to site: [united.com: \\$440](#)

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JetBlue Flight Deals
Low fares to New York See all flights deals & book now
[www.jetblue.com/NewYork_JFK](#)

Flights to Los Angeles
Book United's Guaranteed Lowest Fare to Los Angeles, CA Today.
[www.united.com/](#)

Los Angeles From \$155
Best Price Guarantee On Flights. Book Los Angeles Flights Today!
[www.cheapair.com/Los-Angeles-Tickets](#)

Los Angeles | BookIt®
Save 50% Off Los Angeles Hotels w/Instant Rebates, Upgrades & More
[www.bookit.com/LosAngeles](#)

Flights to New York
Departing Rochester From \$119! Other Cities Available. Book Now!
[www.cheapair.com/New_York](#)

Figure 3

Screenshot of responses sent from Fly.com's trip-planning metasearch engine from www.fly.com on July 12, 2012.

fly.com
"...it was Fly.com that found the best bargain..."
The New York Times

Flights Hotels Car Rentals

Los Angeles, CA 07/26/2012 08/02/2012 1 room 1 guest Find Hotels

722 of 722 hotels

Los Angeles, CA
Thu Jul 26 2012 - Thu Aug 2 2012 1 guest in 1 room

Sort Relevance Price Stars Distance

Price alert

\$84 & up Save up to 50% on Los Angeles Hotels
Go to site: [Hotwire](#)

\$151 \$175 total **Sheraton Gateway Los Angeles Hotel**
Go to site: [KAYAK \\$151](#) | [Sheraton \\$151](#) | [Orbitz \\$152](#) | [CheapTickets \\$152](#) | [Hotels.com](#) | [Booking.com](#) | [Getaroom](#) | more

\$166 **The Westin Los Angeles Airport**
Go to site: [KAYAK \\$166](#) | [Orbitz \\$166](#) | [CheapTickets \\$166](#) | [Westin \\$168](#) | [Hotels.com](#) | [Booking.com](#) | [Getaroom](#) | more

\$219 **Renaissance Los Angeles Airport Hotel**
Go to site: [KAYAK \\$199](#) | [Reservetravel \\$181](#) | [Orbitz \\$199](#) | [CheapTickets \\$199](#)

Los Angeles Group Rates
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Save up to 77% by booking as a group.

\$49 4-Star Hotel Deals
[www.TravelTicker.com](#)
Find Great Handpicked, Insider Travel Bargains on Travel Ticker.

Ramada Los Angeles
[www.Ramada.com/LosAngeles](#)
Book direct at the official Ramada® Site for Our Best Available Rate.

150 Hotels in Los Angeles
[www.booking.com/Los-Angeles](#)
Good availability and great rates. Save up to 50% on your reservation!

Best Hotels at Low Rates
[www.hotels.com/](#)
Incredible Offers On Great Hotels Book Today And Save a Bundle! hotels.com is rated ★★★★★

Crowne Plaza Los Angeles
[www.crowneplaza.com/LosAngeles](#)
Great Locations. Official Site. 6+ L.A. Hotels. Reserve Now!

LA Hotels from \$99
[www.travelzoo.com/Los_Angeles](#)
Find Cheapest Hotels in LA. Compare Rates up to 40% Off Special Negotiated Rates

Los Angeles Luxury Hotel

51. Fly.com's metasearch engine communicates the response from the metasearch engine to the client device.

52. Fly.com has infringed and continues to infringe—directly and/or under the doctrine of equivalents, and/or indirectly by active inducement—at least one claim of the '468 patent by, among other things, using and practicing methods that embody one or more claims of the '468 patent in violation of 35 U.S.C. § 271(a), and/or specifically intending its customers to directly infringe one or more claims of the '468 patent in violation of 35 U.S.C. § 271(b). Fly.com has had knowledge of the '468 patent at least as early as the filing of the original complaint. See Exhibit E (preliminary exemplary evidence of Fly.com's infringement of the '468 patent).

53. Metasearch Systems incorporates Exhibit E as fully set forth in this Complaint. Exhibit E sets forth preliminary exemplary evidence of Fly.com's infringement of claim 1 of the '468 patent. The first column in the chart attached as Exhibit E sets forth each element of claim 1 of the '468 patent. The second column in the chart sets forth preliminary exemplary evidence of Fly.com's infringement of each element of claim 1 of the '468 patent. An adequate response to Metasearch Systems' allegations would be in the form of a response incorporated in a third column of the chart. For the purposes of answering the allegations of this Complaint, Metasearch Systems will provide an electronic version of Exhibit E with a third column for Fly.com to provide its response to the preliminary exemplary evidence for each claim element of claim 1 of the '468 patent.

54. Fly.com does not have a license or permission to use the claimed subject matter in the '468 patent.

55. Fly.com's infringement of the '468 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Fly.com is enjoined from infringing the '468 patent.

COUNT III

Fly.com's Infringement of the '918 Patent

56. Metasearch Systems restates and realleges each of the allegations set forth above and incorporates them herein.

57. Claim 1 of the '918 patent states:

A process for metasearching on a distributed network activated by a request executed by a user on a client device to request a metasearch engine to send a plurality of search queries to a plurality of server devices, each of the plurality of search queries comprising a keyword phrase, each of the keyword phrases comprising at least one keyword specified in the request by the user, at least two of the keyword phrases of the plurality of search queries being different from each other, comprising the steps of:

(a) receiving, at the metasearch engine, the request from the client device for the metasearch engine to send the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices;

(b) sending, by the metasearch engine, the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices;

(c) receiving, at the metasearch engine, search results from the plurality of server devices in response to the plurality of search queries comprising the at least two keyword phrases sent to the plurality of server devices;

(d) incorporating, by the metasearch engine, the received search results into at least two different display lists corresponding to the at least two different keyword phrases, wherein: each different one of the at least two different display lists comprises the received search results in response to the plurality of search queries comprising a different one of the at least two keyword phrases, each same one of the at least two different display lists comprises the received search results therein in response to the plurality of search queries comprising a same one of the at least two keyword phrases;

(e) incorporating, by the metasearch engine, the at least two different display lists of received search results into a response for communicating to the client device;

(f) communicating, by the metasearch engine, the response from the metasearch engine to the client device.

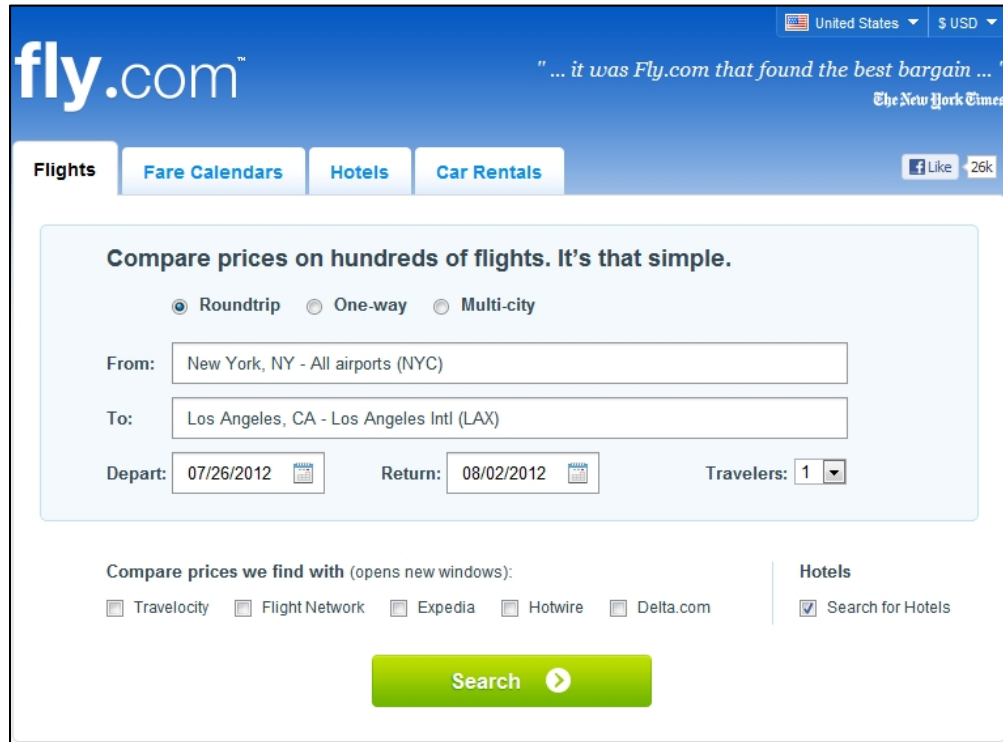
58. Fly.com's trip-planning metasearch service, which includes a metasearch engine found on at least www.fly.com, meets each and every element of at least claim 1 of the '918 patent.

59. Fly.com performs a process for metasearching on a distributed network.

60. Fly.com's metasearch engine receives a request from a client device to send a plurality of search queries comprising at least two keyword phrases to a plurality of server devices. The request from the client device can be associated with a plurality of travel related items, including such items as an airline ticket, hotel reservation, or other type of travel related item. Figure 1 below shows an interface whereby Fly.com's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby Fly.com's trip-planning metasearch engine received a request to send a plurality of search queries at www.fly.com on July 12, 2012.



61. Fly.com's metasearch engine sends the plurality of search queries comprising the at least two keyword phrases to the plurality of server devices.

62. Fly.com's metasearch engine receives search results from the plurality of server devices in response to the plurality of search queries comprising the at least two keyword phrases sent to the plurality of server devices.

63. Fly.com's metasearch engine incorporates the received search results into at least two different display lists corresponding to the at least two different keyword phrases, wherein: each different one of the at least two different display lists comprises the received search results in response to the plurality of search queries comprising a

different one of the at least two keyword phrases, each same one of the at least two different display lists comprises the received search results therein in response to the plurality of search queries comprising a same one of that at least two keyword phrases.

64. Fly.com's metasearch engine incorporates the at least two different display lists of received search results into a response for communicating to the client device. Figures 2 and 3 below show at least two different display lists of received search results incorporated into a response:

Figure 2

Screenshot of responses sent from Fly.com's trip-planning metasearch engine from www.fly.com on July 12, 2012.

fly.com
"... it was Fly.com that found the best bargain..."
The New York Times

Flights Hotels Car Rentals

New York (NYC) to Los Angeles (LAX)
07/26/2012 to 08/02/2012
1 traveler

Modify Search

1168 of 1168 results

Filter your results:

Stops: Best \$440
 nonstop \$440
 1 stop \$441

Flight Times: Leave
 take off landing
Take off: 5:00a - 10:55p

Return: take off landing

Calendar best price: \$272

Lowest Fares All Airlines Fare Calendar

	All	United Airlines	Virgin America	American Airlines	Delta Air Lines	JetBlue Airways
nonstop	\$440	\$440	\$484	\$490	\$455	\$485
1 stop	\$441	\$515	\$441	\$441	\$471	\$911

Price (pp) Airline From To Take-off Land Duration Stops Cabin

\$440 roundtrip w/tax
Select from: united.com: \$440
EWR LAX 7:17a 10:14a 5h 57m 0 Eco
LAX EWR 1:04p 9:35p 5h 31m 0 Eco

\$440 roundtrip w/tax
Select from: united.com: \$440
EWR LAX 7:17a 10:14a 5h 57m 0 Eco
LAX EWR 3:10p 11:39p 5h 29m 0 Eco

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Figure 3

Screenshot of responses sent from Fly.com's trip-planning metasearch engine from www.fly.com on July 12, 2012.

fly.com
"...it was Fly.com that found the best bargain..."
The New York Times

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65. Fly.com's metasearch engine communicates the response from the metasearch engine to the client device.

66. Fly.com has infringed and continues to infringe—directly and/or under the doctrine of equivalents, and/or indirectly by active inducement—at least one claim of the '918 patent by, among other things, using and practicing methods that embody one or more claims of the '918 patent in violation of 35 U.S.C. § 271(a), and/or specifically intending its customers to directly infringe one or more claims of the '918 patent in violation of 35 U.S.C. § 271(b). Fly.com has had knowledge of the '918 patent at least as early as the filing of the original complaint. See Exhibit F (preliminary exemplary evidence of Fly.com's infringement of the '918 patent).

67. Metasearch Systems incorporates Exhibit F as fully set forth in this Complaint. Exhibit F sets forth preliminary exemplary evidence of Fly.com's infringement of claim 1 of the '918 patent. The first column in the chart attached as Exhibit F sets forth each element of claim 1 of the '918 patent. The second column in the chart sets forth preliminary exemplary evidence of Fly.com's infringement of each element of claim 1 of the '918 patent. An adequate response to Metasearch Systems' allegations would be in the form of a response incorporated in a third column of the chart. For the purposes of answering the allegations of this Complaint, Metasearch Systems will provide an electronic version of Exhibit F with a third column for Fly.com to provide its response to the preliminary exemplary evidence for each claim element of claim 1 of the '918 patent.

68. Fly.com does not have a license or permission to use the claimed subject matter in the '918 patent.

69. Fly.com's infringement of the '918 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Fly.com is enjoined from infringing the '918 patent.

DEMAND FOR TRIAL BY JURY

Metasearch Systems demands a jury trial on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Metasearch Systems prays for the following relief:

1. A declaration that Fly.com has infringed the '091, '468 and '918 patents, and is liable to Metasearch Systems for infringement;
2. An award of damages adequate to compensate Metasearch Systems for Fly.com's infringement of the '091, '468 and '918 patents;
3. A post-judgment accounting of damages for the period of infringement of the '091, '468 and '918 patents following the period of damages established by Metasearch Systems at trial;
4. An order enjoining Fly.com from infringing the '091, '468 and '918 patents;
5. If a permanent injunction is not granted, a judicial determination of the conditions of future infringement such as a royalty bearing compulsory license or such other relief as the Court deems appropriate;

6. A finding that this case is exceptional pursuant to 35 U.S.C. § 285;
7. An award of prejudgment interest, costs and disbursements, and attorney fees; and
8. Such other and further relief as the Court deems Metasearch Systems may be entitled to in law and equity.

September 28, 2012

Respectfully submitted,

SEITZ, VAN OGTROP & GREEN, P.A.

/s/ Patricia P. McGonigle

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