UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

METASEARCH SYSTEMS, LLC, Plaintiff, v. ORBITZ WORLDWIDE, INC., Defendant.	)	**Case No. 1:12-cv-01190-LPS** **JURY TRIAL DEMANDED**

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Metasearch Systems, LLC ("Metasearch Systems") for its causes of action against Defendant Orbitz Worldwide, Inc. ("Orbitz"), states and alleges as follows:

THE PARTIES

1. Plaintiff Metasearch Systems is a Delaware limited liability company. Metasearch Systems is the exclusive licensee of 15 United States patents, as well as pending United States patent application(s) and foreign patents. All patents and pending application(s) relate to sophisticated technologies, including metasearching and client-server multitasking technologies (collectively, the "Metasearch Systems Portfolio"). The Metasearch Systems Portfolio covers technologies developed by Metasearch Systems' President and CEO, Harvey Lunenfeld.

2. Defendant Orbitz is a Delaware corporation having its principal place of business at 500 West Madison Street, Suite 1000, Chicago, IL 60661, and doing business throughout this judicial district and throughout the United States.

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 Orbitz because Orbitz 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 Orbitz would not offend the traditional notions of fair play and substantial justice.

5. For example, Orbitz has committed acts of infringement in this District, by offering combined flight, hotel, and/or car travel booking services on its website that infringe claims of United States Patent Nos. 8,326,924, 8,239,451, 8,171,079, 8,073,904, 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 Orbitz has committed acts within this judicial district giving rise to this action, and Orbitz 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 Orbitz's customers in this District.

7. Venue in the District of Delaware is also proper because Orbitz is organized and governed by the incorporation laws of Delaware. Orbitz 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 Orbitz.

FACTUAL BACKGROUND

Asserted Patents

10. On December 4, 2012, the United States Patent and Trademark Office issued United States Patent No. 8,326,924 entitled "Metasearch Engine for Ordering At Least One Item Returned in Search Results Using At Least One Query on Multiple Unique Hosts and For Displaying Associated Advertising" ("the '924 patent"). A copy of the '924 patent is attached as Exhibit M.

11. On August 7, 2012, the United States Patent and Trademark Office issued United States Patent No. 8,239,451 entitled "Metasearch Engine for Ordering Items Returned in Travel Related Search Results Using Multiple Queries On At Least One Host Comprising a Plurality of Server Devices" ("the '451 patent"). A copy of the '451 patent is attached as Exhibit A.

12. On May 1, 2012, the United States Patent and Trademark Office issued United States Patent No. 8,171,079 entitled "Metasearch Engine for Ordering Items Returned In Travel Related Search Results Using Multiple Queries on Multiple Unique Hosts" ("the '079 patent"). A copy of the '079 patent is attached as Exhibit B.

13. On December 6, 2011, the United States Patent and Trademark Office issued United States Patent No. 8,073,904 entitled "Metasearch Engine For Ordering Items Returned In Search Results Using Multiple Queries On Multiple Unique Hosts" ("the '904 patent"). A copy of the '904 patent is attached as Exhibit C.

14. 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 D.

15. 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 E.

16. 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 F.

17. Collectively, the '924, '451, '079, '904, '091, '468, and '918 patents are referred to as the "Asserted Patents."

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

19. 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.

20. 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).

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

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

Orbitz

28. Orbitz is an online travel booking service that provides travel services to numerous visitors and had domestic gross bookings of over $9 billion during fiscal year 2011. *See* Orbitz Worldwide, Inc.'s Annual Report (Form 10-K) at 39 (March 5, 2012).

29. Orbitz offers a trip-planning metasearch service accessible through various websites including, for example, www.orbitz.com, whereby Orbitz has caused hundreds of thousands, possibly millions, of infringing searches to be executed for travel-related bookings.

30. Orbitz's trip-planning metasearch service is available to customers browsing on the Internet. *See* Orbitz Worldwide, Inc.'s Annual Report (Form 10-K) at 4 (March 5, 2012) ("Orbitz (www.orbitz.com) is one of the leading U.S. online travel websites. Orbitz is a full service online travel company that offers customers the ability to search for and book a broad range of travel products and services, including air travel, hotels, car rentals, cruises, travel insurance and destination services, from suppliers worldwide.").

31. As stated at http://www.orbitz.com, Orbitz's trip-planning metasearch service provides the ability for users to "bundle the travel options you need: flight, hotel, car rental and tickets," and book your flight + hotel together to save." As stated at http://corp.orbitz.com, Orbitz is "a leading global online travel company," and provides users the ability "to research, plan, and book a broad range of travel products."

COUNT I

Orbitz's Infringement of the '924 Patent

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

33. Claim 6 of the '924 patent states:

> A process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device, the process comprising the steps of:
>
> (a) receiving a Hypertext Transfer Protocol request from a client device for the metasearch engine to send at least one search query to a plurality of unique hosts that provide access to information to be searched, wherein the Hypertext Transfer Protocol request from the client device is associated with at least one travel related item that may be ordered from a plurality of travel related items that may be ordered;
>
> (b) sending the at least one search query to the plurality of unique hosts in response to the Hypertext Transfer Protocol request received from the client device;
>
> (c) receiving search results from the plurality of unique hosts in response to the at least one search query sent to the plurality of unique hosts;
>
> (d) incorporating the received search results into a results list and incorporating the results list into a response;
>
> (e) causing at least one advertisement associated with at least a portion of the Hypertext Transfer Protocol request to be displayed in the response;
>
> (f) communicating the response from the metasearch engine to the client device;
>
> (g) receiving another Hypertext Transfer Protocol request from the client device for placing an order for the at least one item;
>
> (h) processing the order.

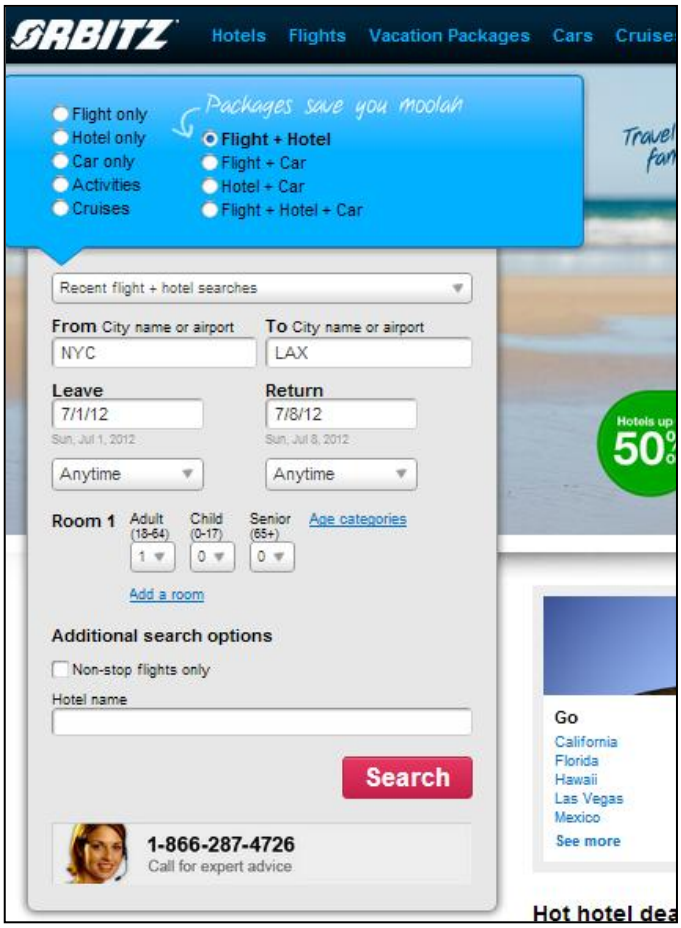
34. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 6 of the '924 patent.

35. Orbitz performs a process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device.

36. Orbitz's metasearch engine receives a Hypertext Transfer Protocol request ("HTTP request") from a client device for the metasearch engine to send at least one search query to a plurality of unique hosts that provide access to information to be searched. The HTTP request from the client device is associated with at least one travel related item that may be ordered from a plurality of travel related items that may be ordered. Figure 1 below shows an interface whereby Orbitz's trip-planning metasearch engine received a request to send at least one search query.

Figure 1

Screenshot of an interface whereby Orbtiz's trip-planning metasearch engine received a request to send at least one search query at www.orbtiz.com on June 5, 2012.



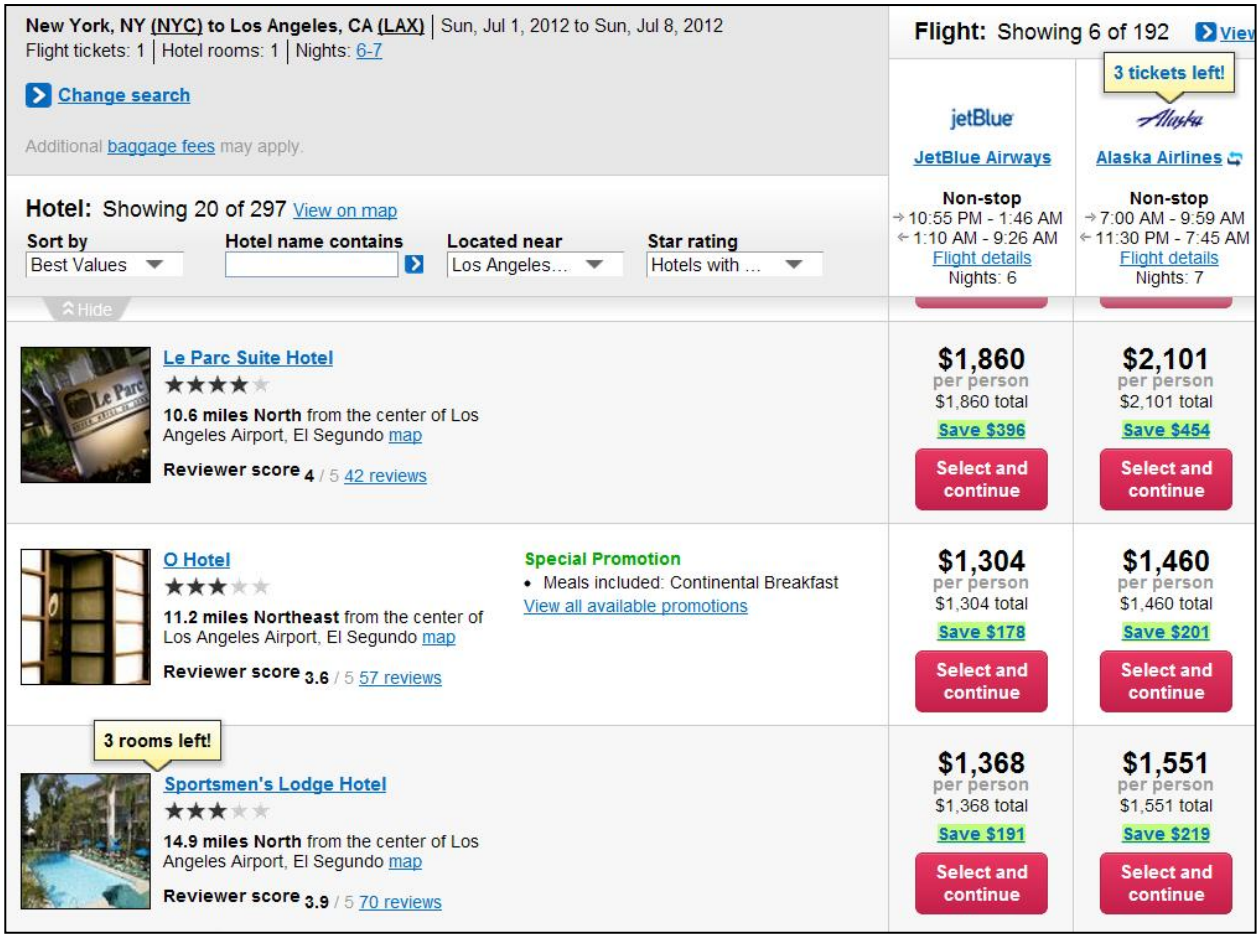
37. Orbitz's metasearch engine sends the at least one search query to the plurality of unique hosts in response to the HTTP request received from the client device.

38. Orbitz's metasearch engine receives search results from the plurality of unique hosts in response to the at least one search query sent to the plurality of unique hosts.

39. Orbitz's metasearch engine incorporates the received search results into a results list and incorporates the results list into a response. Figure 2 below shows a results list incorporated into a response:

Figure 2

Screenshot of response sent from Orbitz's trip-planning metasearch engine from www.orbitz.com on June 5, 2012.



40. Orbitz's metasearch engine causes at least one advertisement associated with at least a portion of the HTTP request to be displayed in the response. As shown in

Figure 2 above, advertisements associated with the HTTP request, such as the "Special Promotion," are displayed in the response.

41. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

42. Orbitz's metasearch engine receives another HTTP request from the client device for placing an order for at least one item.

43. Orbitz's metasearch engine processes the order.

44. Orbitz 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 '924 patent by, among other things, using and practicing methods that embody one or more claims of the '924 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 '924 patent in violation of 35 U.S.C. § 271(b). Orbitz has had knowledge of the '924 patent at least as early as the filing of the first amended complaint. *See* Exhibit N (preliminary exemplary evidence of Orbitz's infringement of the '924 patent).

45. Metasearch Systems incorporates Exhibit N as fully set forth in this Complaint. Exhibit N sets forth preliminary exemplary evidence of Orbitz's infringement of claim 6 of the '924 patent. The first column in the chart attached as Exhibit N sets forth each element of claim 6 of the '924 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz's infringement of each element of claim 6 of the '924 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 N with a third column for Orbitz to provide its response to the preliminary exemplary evidence for each claim element of claim 6 of the ’924 patent.

46. Orbitz does not have a license or permission to use the claimed subject matter in the ’924 patent.

47. Orbitz’s infringement of the ’924 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Orbitz is enjoined from infringing the ’924 patent.

COUNT II

Orbitz’s Infringement of the ’451 Patent

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

49. Claim 15 of the ’451 patent states:

> A process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device, the process comprising the steps of:
>
> (a) receiving a Hypertext Transfer Protocol request from a client device for the metasearch engine to send a plurality of search queries to at least one host that comprises a plurality of server devices that provide access to information to be searched, wherein the Hypertext Transfer Protocol request from the client device is associated with a plurality of travel related items that may be ordered comprising at least one airline ticket and at least one other type of travel related item;
>
> (b) sending the plurality of search queries to the at least one host in response to the Hypertext Transfer Protocol request received from the client device;

> (c) receiving search results from the at least one host in response to the plurality of search queries sent to the at least one host;
>
> (d) incorporating the received search results into a results list and incorporating the results list into a response;
>
> (e) causing at least one advertisement associated with at least a portion of the plurality of travel related items to be displayed in the response;
>
> (f) communicating the response from the metasearch engine to the client device;
>
> (g) receiving another Hypertext Transfer Protocol request from the client device for placing an order for the plurality of travel related items;
>
> (h) processing the order.

50. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 15 of the '451 patent.

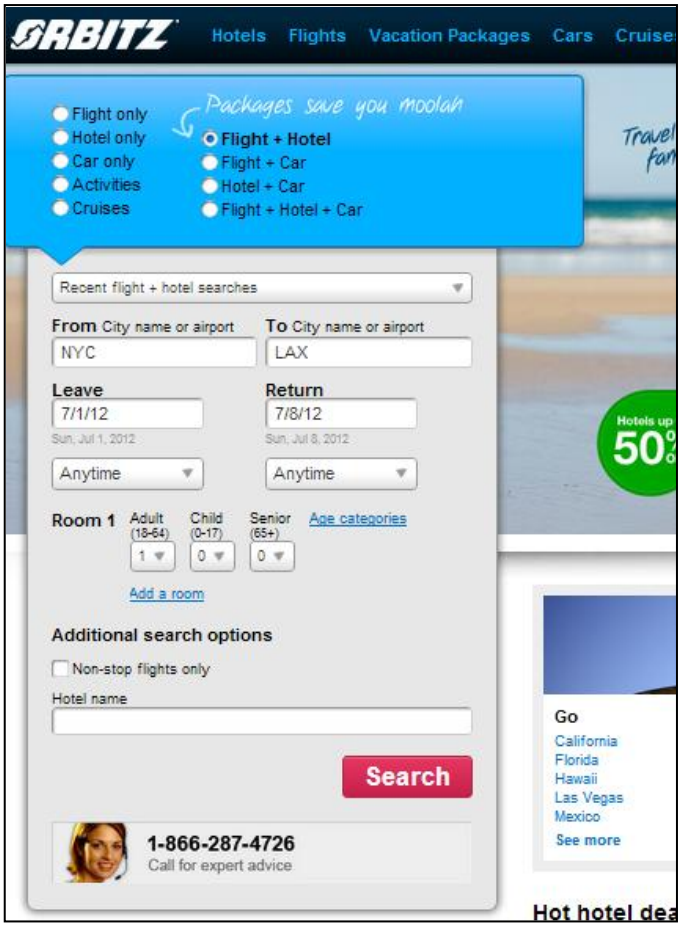
51. Orbitz performs a process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device.

52. Orbitz's metasearch engine receives a Hypertext Transfer Protocol request ("HTTP request") from a client device for the Metasearch engine to send a plurality of search queries to at least one host that comprises a plurality of server devices that provide access to information to be searched. The HTTP request from the client device is associated with a plurality of travel related items that may be ordered, including an airline ticket and at least one other type of travel related item. Figure 1 below shows an interface

whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries at www.orbitz.com on June 5, 2012.



53. Orbitz's metasearch engine sends the plurality of search queries to the at least one host in response to the HTTP request received from the client device.

54. Orbitz's metasearch engine receives search results from the at least one host in response to the plurality of search queries sent to the at least one host.

55. Orbitz's metasearch engine incorporates the received search results into a results list and incorporates the results list into a response. Figures 2 and 3 below show a results list incorporated into a response:

Figure 2
Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com, on June 5, 2012.

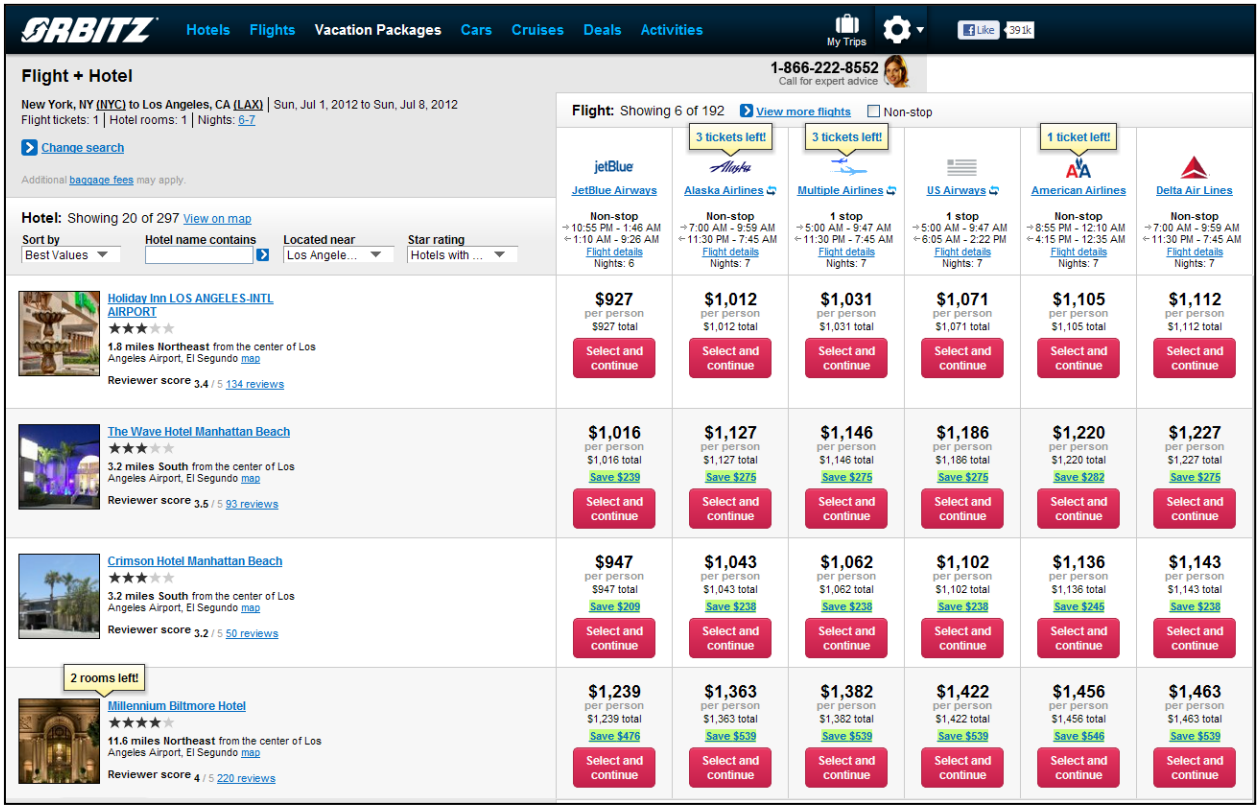
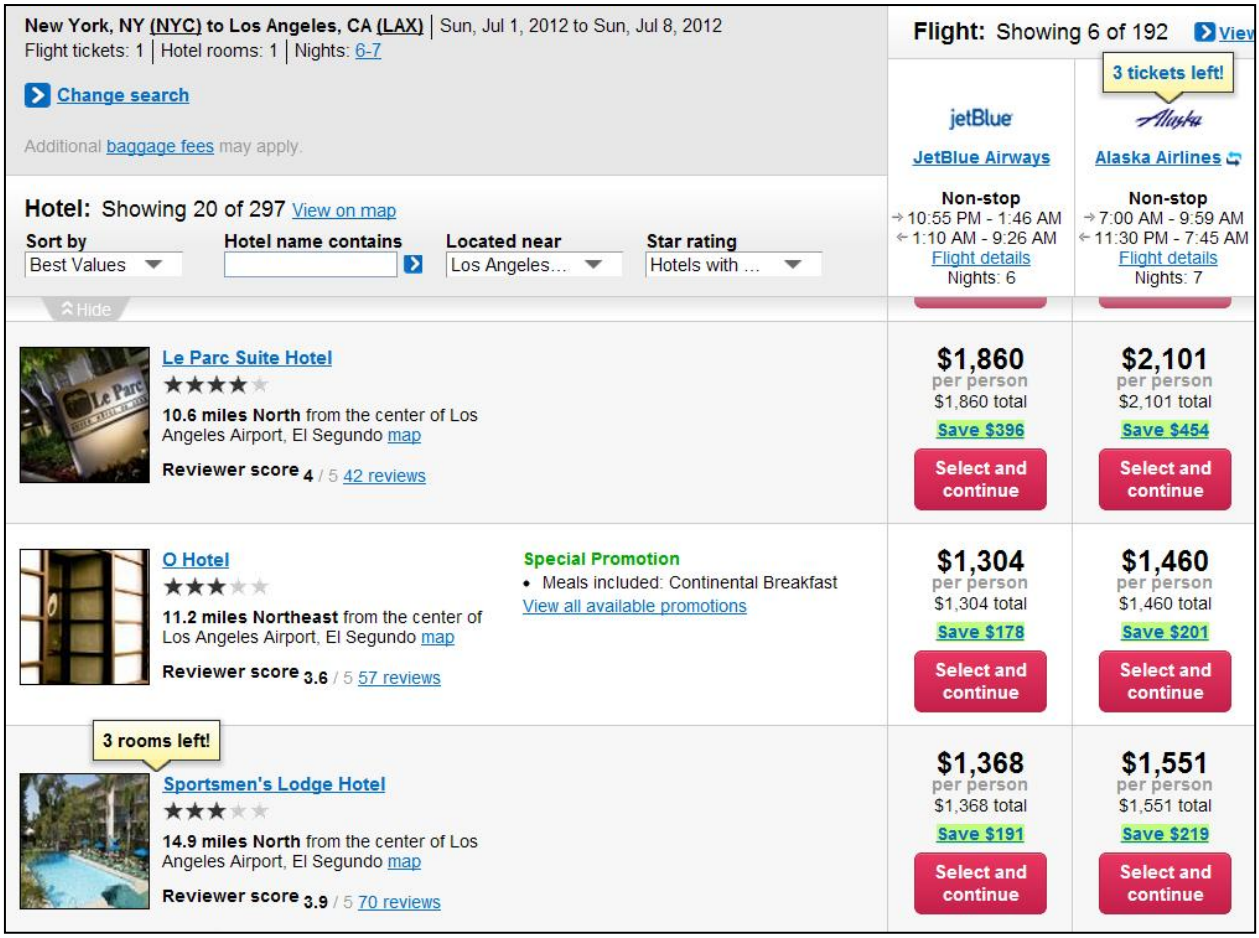


Figure 3

Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com, on June 5, 2012.



56. Orbitz's metasearch engine causes at least one advertisement associated with at least a portion of the plurality of travel related items to be displayed in the response. As shown in Figure 3 above, advertisements associated with the plurality of travel related items, such as the "Special Promotion" advertisement, are displayed in the response.

57. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

58. Orbitz's metasearch engine receives another HTTP request from the client device for placing an order for the plurality of travel related items.

59. Orbitz's metasearch engine processes the order.

60. Orbitz 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 '451 patent by, among other things, using and practicing methods that embody one or more claims of the '451 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 '451 patent in violation of 35 U.S.C. § 271(b). Orbitz has had knowledge of the '451 patent at least as early as the filing of the original complaint. *See* Exhibit G (preliminary exemplary evidence of Orbitz's infringement of the '451 patent).

61. Metasearch Systems incorporates Exhibit G as fully set forth in this Complaint. Exhibit G sets forth preliminary exemplary evidence of Orbitz's infringement of claim 15 of the '451 patent. The first column in the chart attached as Exhibit G sets forth each element of claim 15 of the '451 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz's infringement of each element of claim 15 of the '451 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 G with a third column for Orbitz to provide its response to the preliminary exemplary evidence for each claim element of claim 15 of the '451 patent.

62. Orbitz does not have a license or permission to use the claimed subject matter in the ’451 patent.

63. Orbitz’s infringement of the ’451 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Orbitz is enjoined from infringing the ’451 patent.

COUNT III

Orbitz’s Infringement of the ’079 Patent

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

65. Claim 31 of the ’079 patent states:

> A process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device, the process comprising the steps of:
>
> (a) receiving a Hypertext Transfer Protocol request from a client device for the metasearch engine to send a plurality of search queries to a plurality of unique hosts that provide access to information to be searched, wherein the Hypertext Transfer Protocol request from the client device is associated with a plurality of travel related items that may be ordered comprising at least one airline ticket and at least one other type of travel related item from the group consisting of a hotel reservation and a car rental;
>
> (b) sending the plurality of search queries to the plurality of unique hosts in response to the Hypertext Transfer Protocol request received from the client device;
>
> (c) receiving search results from the plurality of unique hosts in response to the plurality of search queries sent to the plurality of unique hosts;
>
> (d) incorporating the received search results into a results list and incorporating the results list into a response;

> (e) causing at least one advertisement associated with at least a portion of the plurality of travel related items to be displayed in the response;
>
> (f) communicating the response from the metasearch engine to the client device;
>
> (g) receiving another Hypertext Transfer Protocol request from the client device for placing an order for the plurality of travel related items;
>
> (h) processing the order.

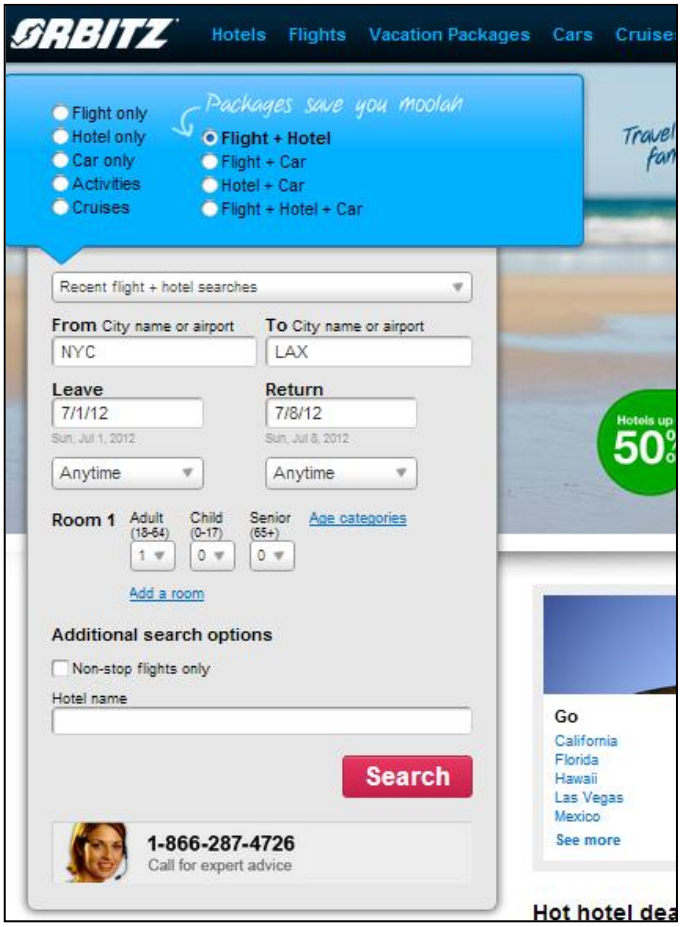
66. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 31 of the '079 patent.

67. Orbitz performs a process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device.

68. Orbitz's metasearch engine receives a Hypertext Transfer Protocol request ("HTTP request") from a client device to send a plurality of search queries to a plurality of unique hosts that provide access to information to be searched. The HTTP request from the client device is associated with a plurality of travel related items that may be ordered, including an airline ticket and at least one other type of travel related item from the group consisting of a hotel reservation and a car rental. Figure 1 below shows an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries at www.orbitz.com on June 5, 2012.



69. Orbitz's metasearch engine sends the plurality of search queries to the plurality of unique hosts in response to the HTTP request received from the client device.

70. Orbitz's metasearch engine receives search results from the plurality of unique hosts in response to the plurality of search queries sent to the plurality of unique hosts.

71. Orbitz's metasearch engine incorporates the received search results into a results list and incorporates the results list into a response. Figures 2 and 3 below show a results list incorporated into a response:

Figure 2

Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com on, on June 5, 2012.

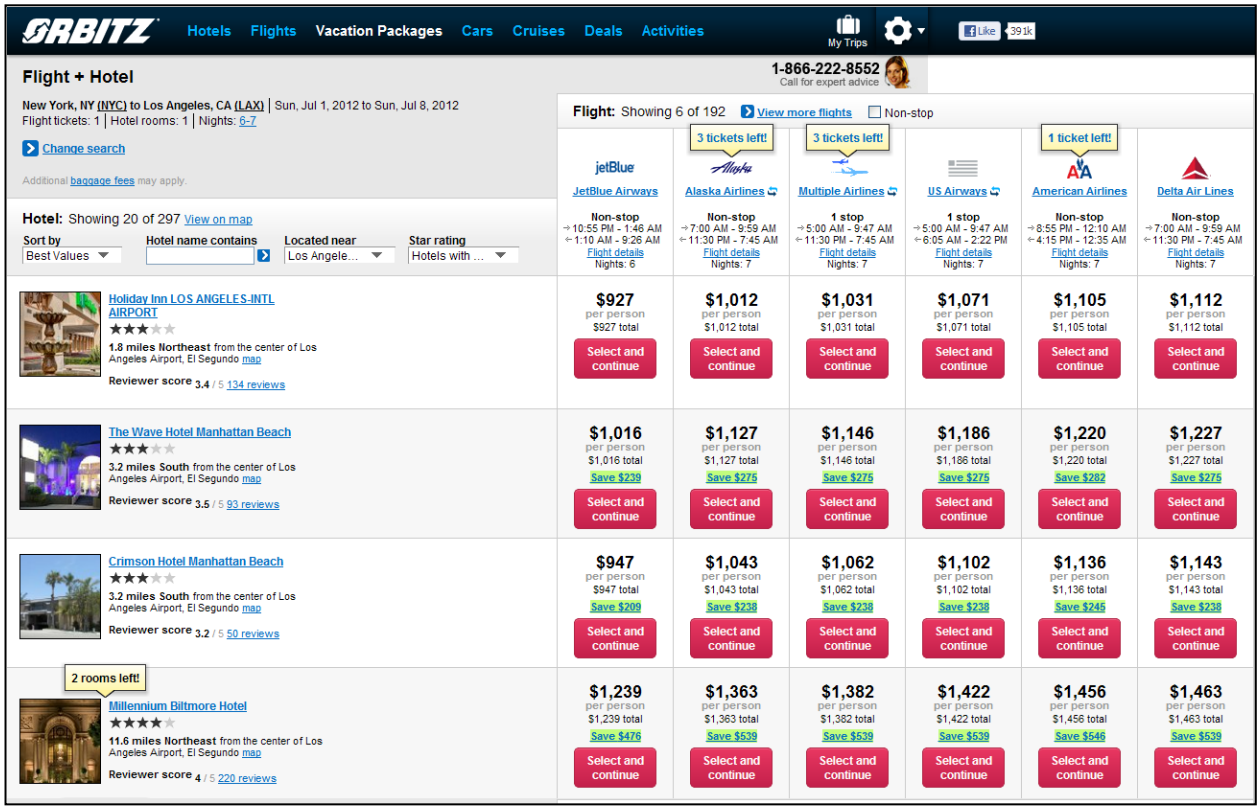
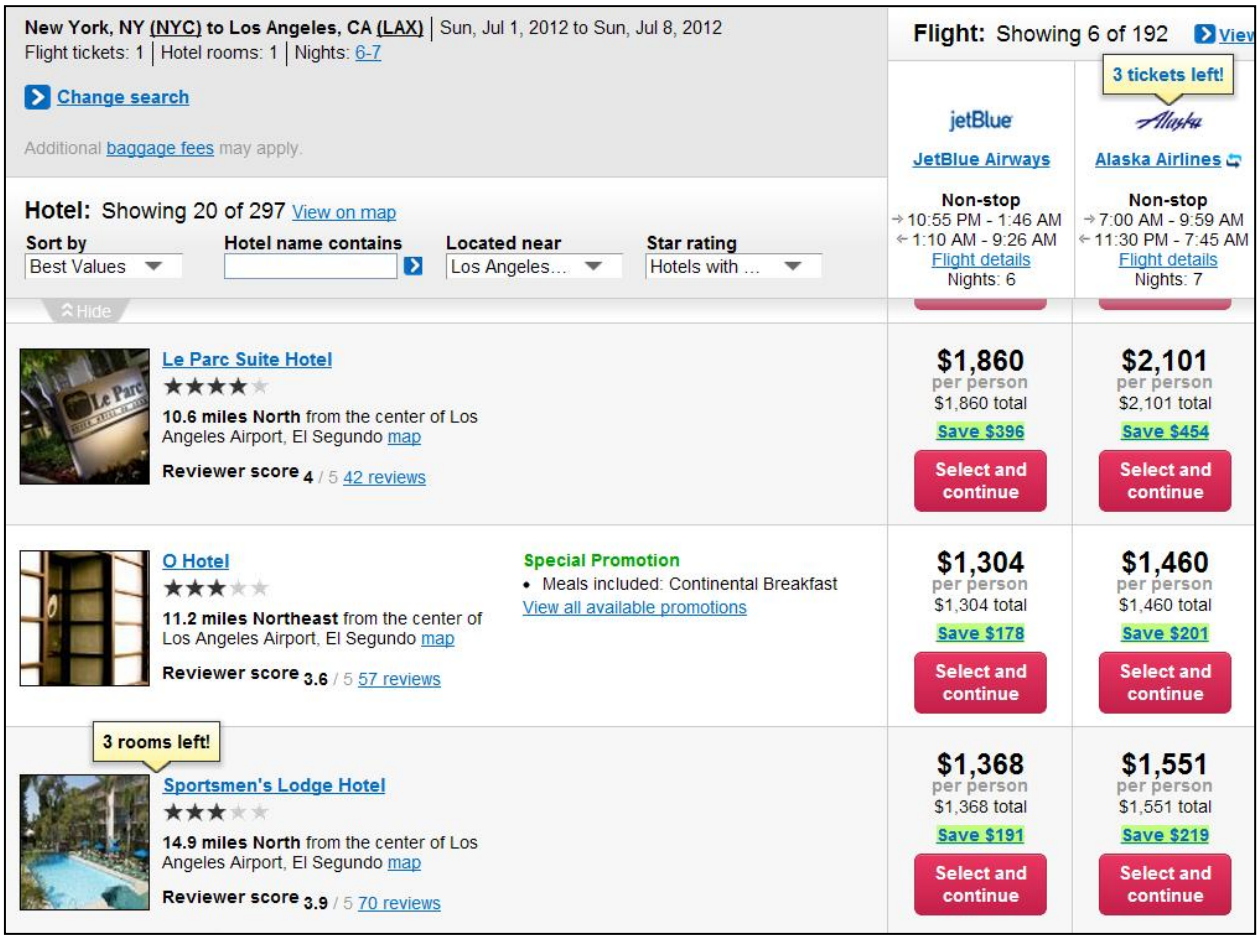


Figure 3

Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com on, on June 5, 2012



72. Orbitz's metasearch engine causes at least one advertisement associated with at least a portion of the plurality of travel related items to be displayed in the response. As shown in Figure 3 above, advertisements associated with the plurality of travel related items, such as the "Special Promotion" advertisement, are displayed in the response.

73. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

74. Orbitz's metasearch engine receives another HTTP request from the client device for placing an order for the plurality of travel related items.

75. Orbitz's metasearch engine processes the order.

76. Orbitz 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 '079 patent by, among other things, using and practicing methods that embody one or more claims of the '079 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 '079 patent in violation of 35 U.S.C. § 271(b). Orbitz has had knowledge of the '079 patent at least as early as the filing of the original complaint. *See* Exhibit H (preliminary exemplary evidence of Orbitz's infringement of the '079 patent).

77. Metasearch Systems incorporates Exhibit H as fully set forth in this Complaint. Exhibit H sets forth preliminary exemplary evidence of Orbitz's infringement of claim 31 of the '079 patent. The first column in the chart attached as Exhibit H sets forth each element of claim 31 of the '079 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz's infringement of each element of claim 31 of the '079 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 H with a third column for Orbitz to provide its response to

the preliminary exemplary evidence for each claim element of claim 31 of the ’079 patent.

78. Orbitz does not have a license or permission to use the claimed subject matter in the ’079 patent.

79. Orbitz’s infringement of the ’079 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Orbitz is enjoined from infringing the ’079 patent.

COUNT IV

Orbitz’s Infringement of the ’904 Patent

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

81. Claim 13 of the ’904 patent states:

> A process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device, the process comprising the steps of:
>
> (a) receiving a Hypertext Transfer Protocol request from a client device for the metasearch engine to send a plurality of search queries to a plurality of unique hosts providing access to information to be searched, each search query comprising at least one keyword;
>
> (b) sending the plurality of search queries to the plurality of unique hosts in response to the Hypertext Transfer Protocol request received from the client device;
>
> (c) receiving search results from the plurality of unique hosts in response to the plurality of search queries sent to the plurality of unique hosts, wherein the search results comprise details about an item that may be ordered;

> (d) incorporating the received search results into a results list and incorporating the results list into a response;
>
> (e) causing at least one advertisement associated with one or more of the at least one keyword to be displayed in the response;
>
> (f) communicating the response from the metasearch engine to the client device;
>
> (g) receiving another Hypertext Transfer Protocol request from the client device for placing an order for the item;
>
> (h) processing the order.

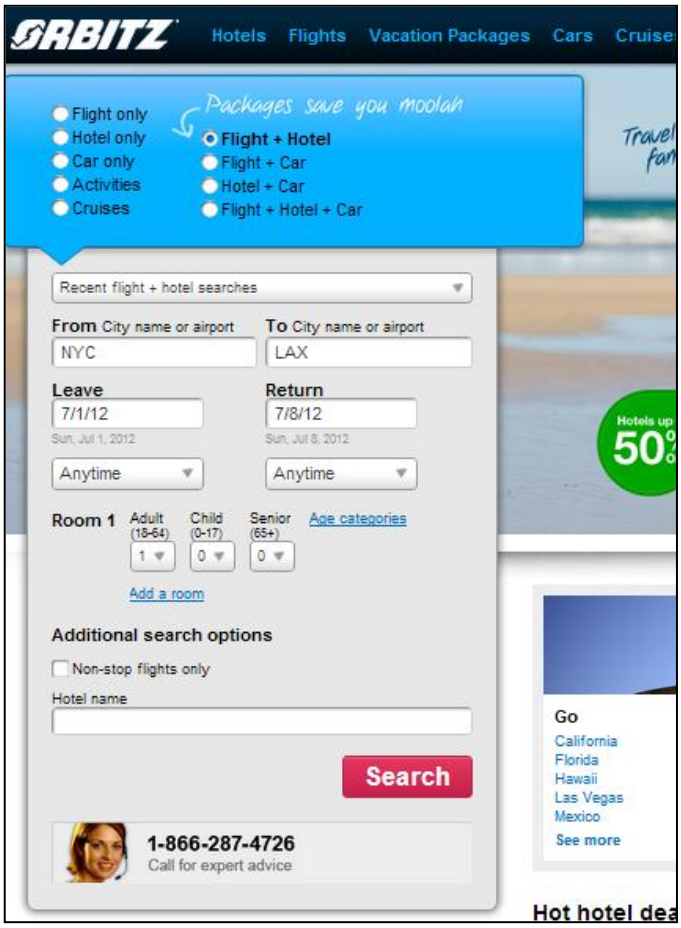
82. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 13 of the '904 patent.

83. Orbitz performs a process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device.

84. Orbitz's metasearch engine receives a Hypertext Transfer Protocol request ("HTTP request") from a client device to send a plurality of search queries to a plurality of unique hosts that provide access to information to be searched. The request from the client device can be associated with at least one travel related item that may be ordered, including such items as an airline ticket, hotel reservation, car rental, or other type of travel related item. Figure 1 below shows an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries at www.orbitz.com on June 5, 2012.



85. Orbitz's metasearch engine sends the plurality of search queries to a plurality of unique hosts in response to the HTTP request received from the client device.

86. Orbitz's metasearch engine receives search results from the plurality of unique hosts in response to the plurality of search queries sent to the plurality of unique hosts, wherein the search results comprise details about an item that may be ordered.

87. Orbitz's metasearch engine incorporates the received search results into a results list and incorporates the results list into a response. Figures 2 and 3 below show a results list incorporated into a response:

Figure 2
Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com, on June 5, 2012.

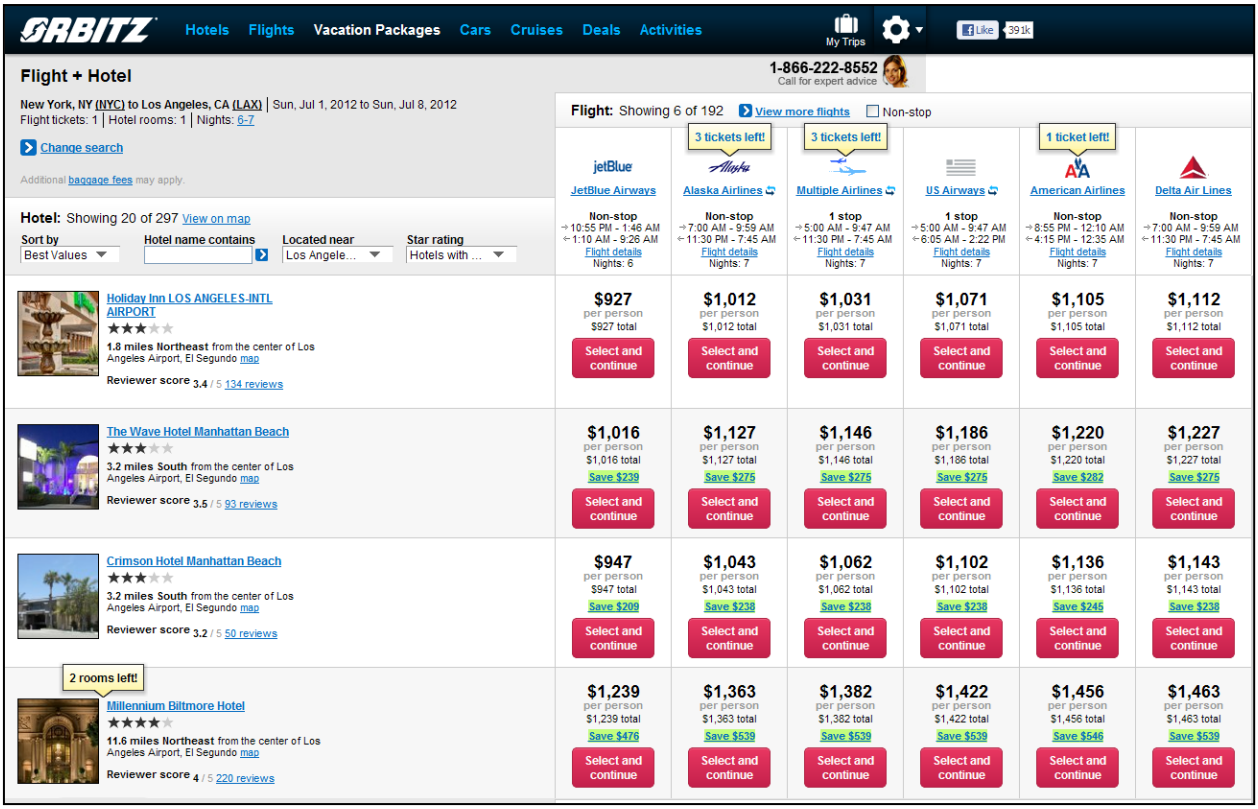
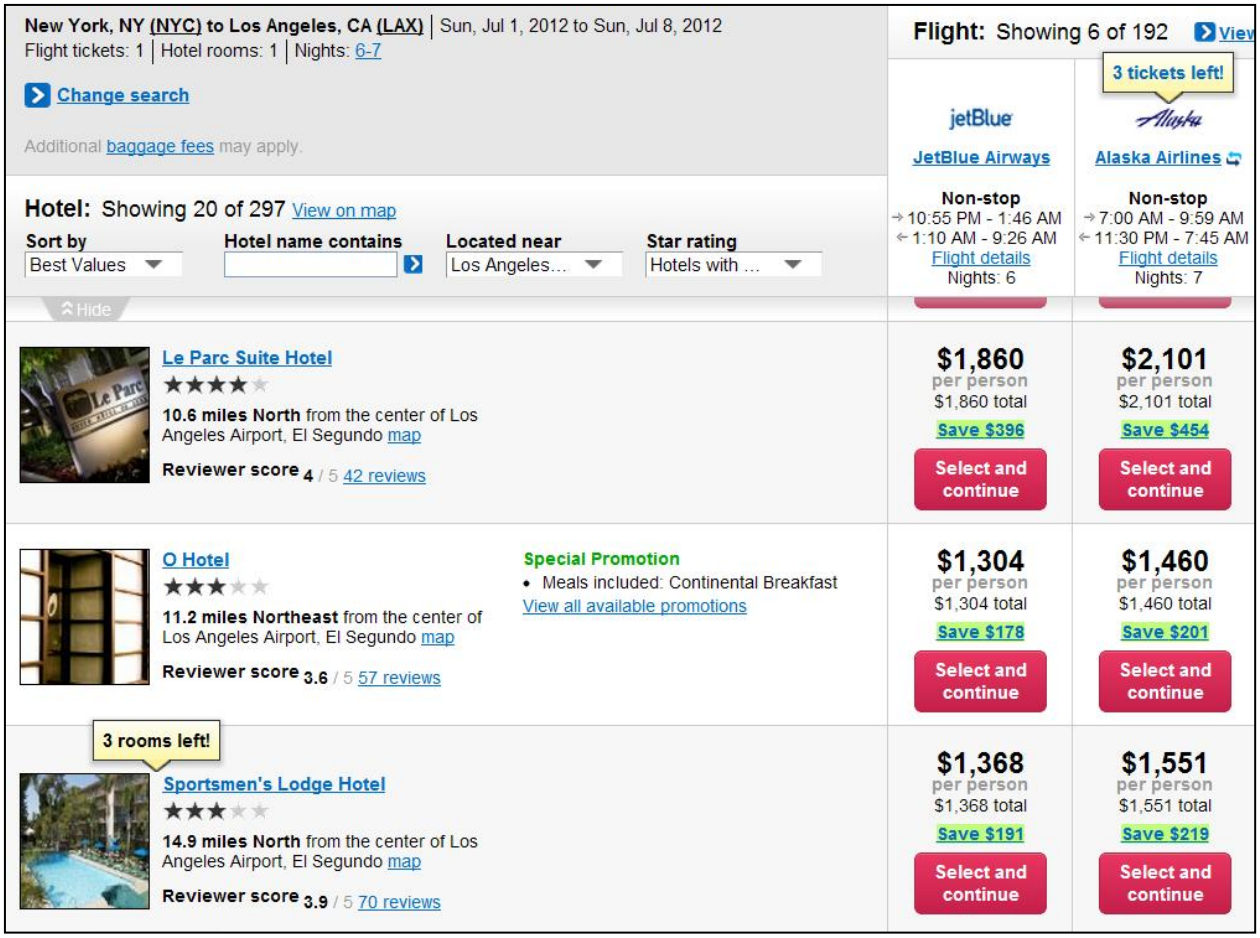


Figure 3

Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com, on June 5, 2012



88. Orbitz's metasearch engine causes at least one advertisement associated with one or more of the at least one keyword to be displayed in the response. As shown in Figure 3 above, advertisements associated with the at least one keyword, such as the "Special Promotion" advertisement, are displayed in the response.

89. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

90. Orbitz's metasearch engine receives another HTTP request from the client device for placing an order for the item.

91. Orbitz's metasearch engine processes the order.

92. Orbitz 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 '904 patent by, among other things, using and practicing methods that embody one or more claims of the '904 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 '904 patent in violation of 35 U.S.C. § 271(b). Orbitz has had knowledge of the '904 patent at least as early as the filing of the original complaint. *See* Exhibit I (preliminary exemplary evidence of Orbitz's infringement of the '904 patent).

93. Metasearch Systems incorporates Exhibit I as fully set forth in this Complaint. Exhibit I sets forth preliminary exemplary evidence of Orbitz's infringement of claim 13 of the '904 patent. The first column in the chart attached as Exhibit I sets forth each element of claim 13 of the '904 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz's infringement of each element of claim 13 of the '904 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 I with a third column for Orbitz to provide its response to the preliminary exemplary evidence for each claim element of claim 13 of the '904 patent.

94. Orbitz does not have a license or permission to use the claimed subject matter in the ’904 patent.

95. Orbitz’s infringement of the ’904 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Orbitz is enjoined from infringing the ’904 patent.

COUNT V

Orbitz’s Infringement of the ’091 Patent

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

97. 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;

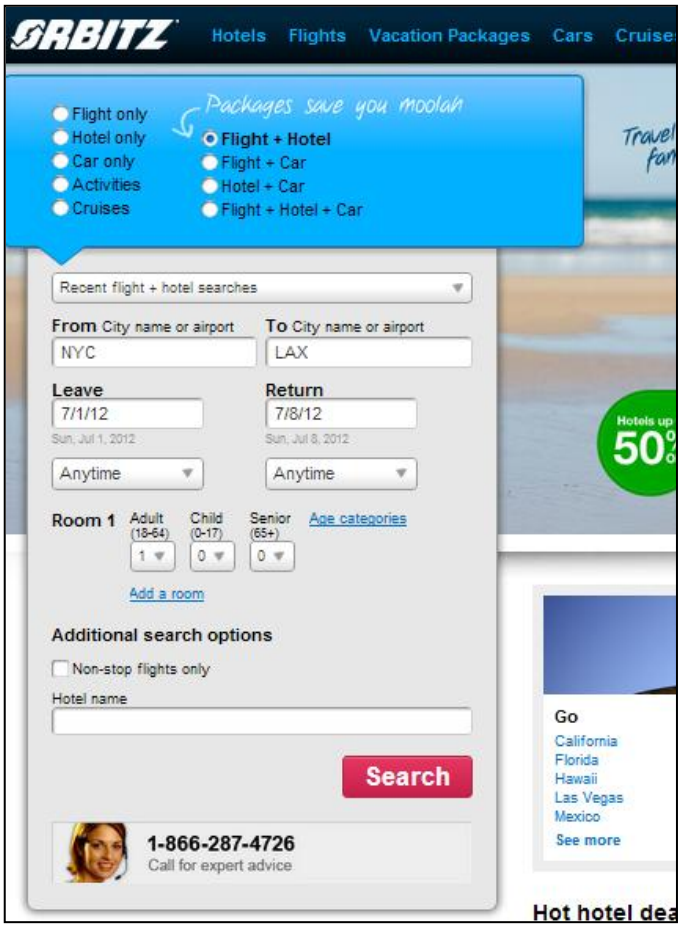
98. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 16 of the '091 patent.

99. Orbitz performs a process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network.

100. Orbitz's metasearch engine receives a request from the client device to send the at least one search query comprising the 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, hotel reservation, car rental, or other type of travel related item. Figure 1 below shows an interface whereby Orbitz's metasearch engine received a request to send at least one search query comprising the at least one keyword phrase.

Figure 1

Screenshot of an interface whereby Orbitz's trip-planning metasearch engine received a request to send at least one search query at www.orbitz.com on June 5, 2012.



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

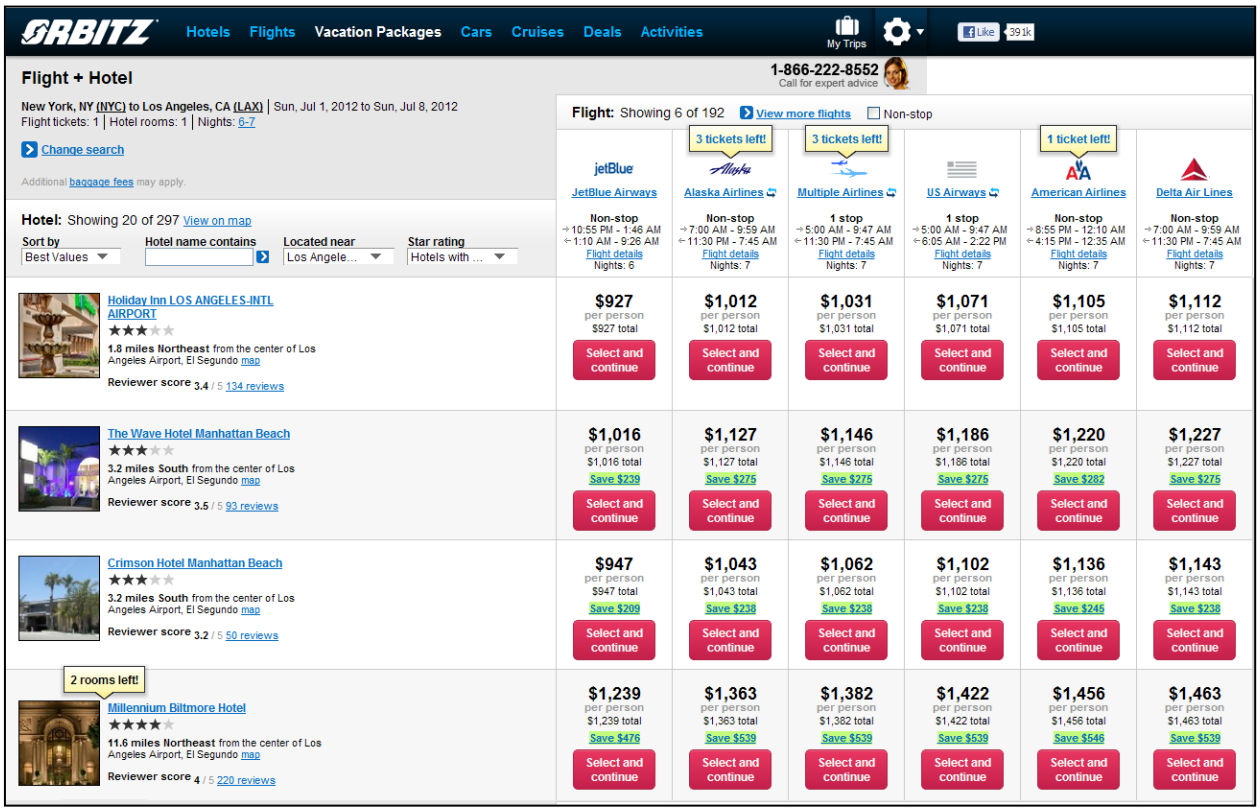
102. Orbitz's metasearch engine receives search results from the plurality of server devices in response to the at least one search query comprising the at least one keyword phrase sent to the plurality of server devices.

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

104. Orbitz'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

Screenshot of response sent from Orbitz's
trip-planning metasearch engine from www.orbitz.com, on June 5, 2012.



105. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

106. Orbitz 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). Orbitz has had knowledge of the '091 patent at least as early as the filing of the original complaint. *See* Exhibit J (preliminary exemplary evidence of Orbitz's infringement of the '091 patent).

107. Metasearch Systems incorporates Exhibit J as fully set forth in this Complaint. Exhibit J sets forth preliminary exemplary evidence of Orbitz's infringement of claim 16 of the '091 patent. The first column in the chart attached as Exhibit J sets forth each element of claim 16 of the '091 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz'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 J with a third column for Orbitz to provide its response to the preliminary exemplary evidence for each claim element of claim 16 of the '091 patent.

108. Orbitz does not have a license or permission to use the claimed subject matter in the ’091 patent.

109. Orbitz’s infringement of the ’091 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Orbitz is enjoined from infringing the ’091 patent.

COUNT VI

Orbitz’s Infringement of the ’468 Patent

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

111. 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.

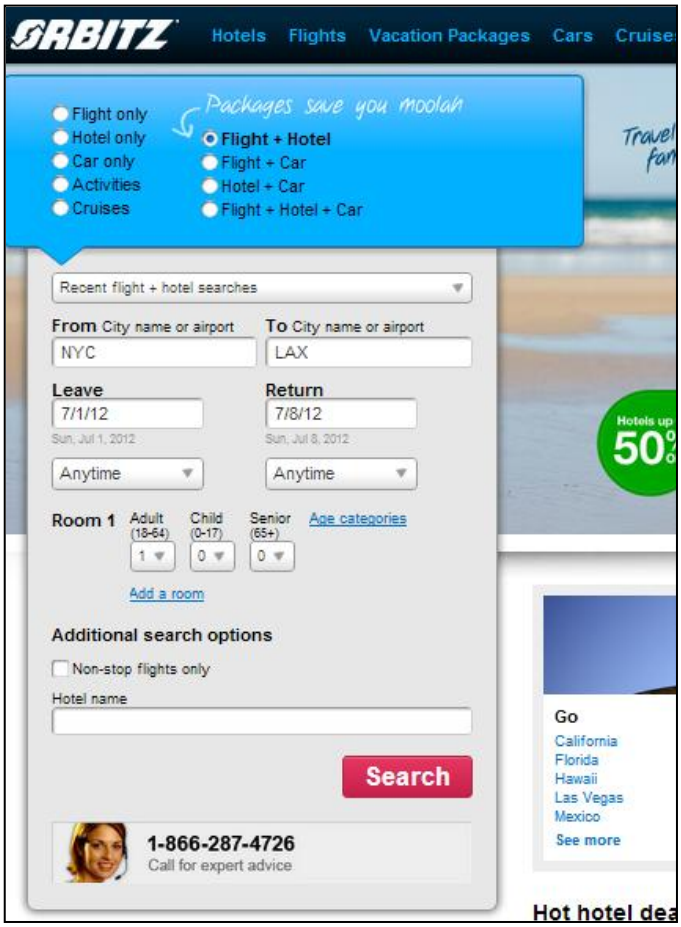
112. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 1 of the '468 patent.

113. Orbitz performs a process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network.

114. Orbitz'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, car rental, or other type of travel related item. Figure 1 below shows an interface whereby Orbitz's metasearch engine received a request to send at least one search query comprising the at least one keyword phrase:

Figure 1

Screenshot of an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries at www.orbitz.com on June 5, 2012.



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

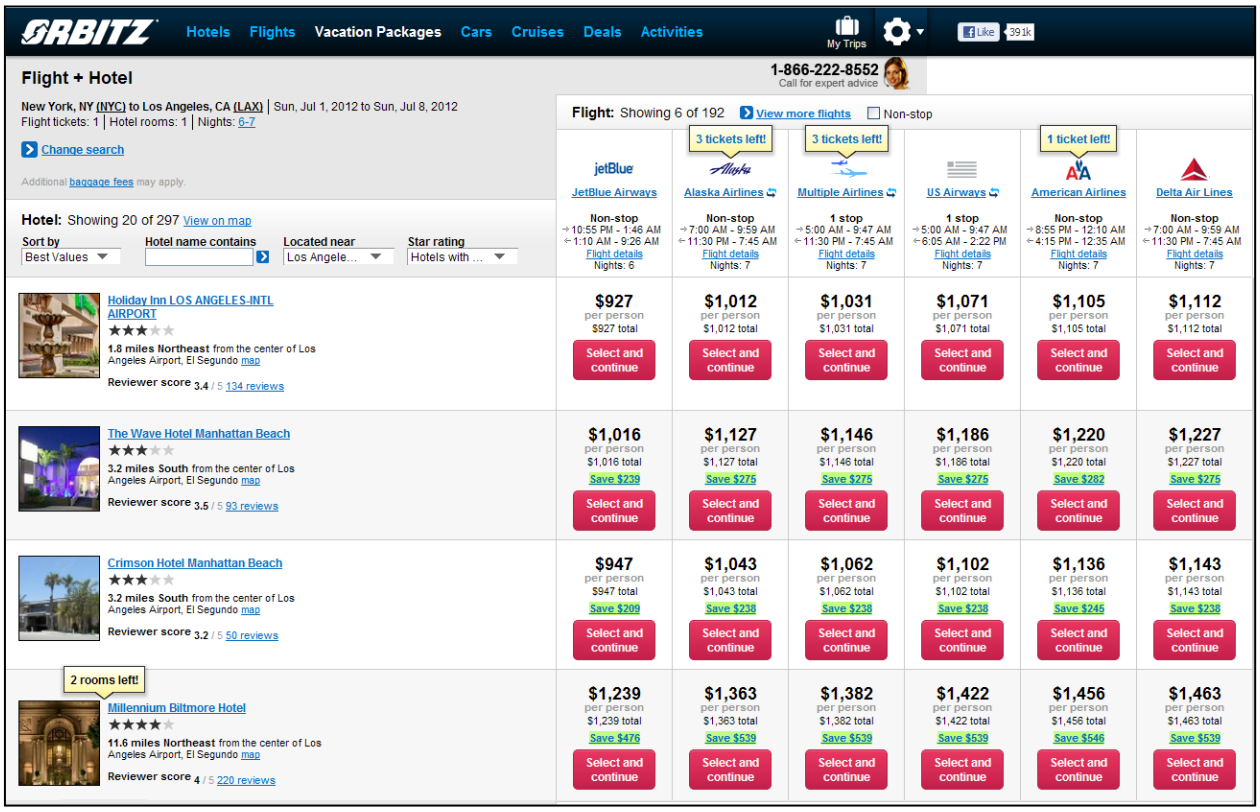
116. Orbitz's metasearch engine receives search results from the plurality of server devices in response to the plurality of search queries comprising the at least two keyword phrases sent to the plurality of server devices.

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

118. Orbitz's metasearch engine incorporates the at least two different display lists of received search results into a response for communicating to the client device. Figure 2 below shows the at least two different display lists of received search results incorporated into a response:

Figure 2

Screenshot of response sent from Orbitz's trip-planning metasearch engine from www.orbitz.com on, on June 5, 2012.



119. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

120. Orbitz 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). Orbitz has had knowledge of the ’468 patent at least as early as the filing of the original complaint. *See* Exhibit K (preliminary exemplary evidence of Orbitz’s infringement of the ’468 patent).

121. Metasearch Systems incorporates Exhibit K as fully set forth in this Complaint. Exhibit K sets forth preliminary exemplary evidence of Orbitz’s infringement of claim 1 of the ’468 patent. The first column in the chart attached as Exhibit K sets forth each element of claim 1 of the ’468 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz’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 K with a third column for Orbitz to provide its response to the preliminary exemplary evidence for each claim element of claim 1 of the ’468 patent.

122. Orbitz does not have a license or permission to use the claimed subject matter in the ’468 patent.

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

COUNT VII

Orbitz's Infringement of the '918 Patent

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

125. 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.

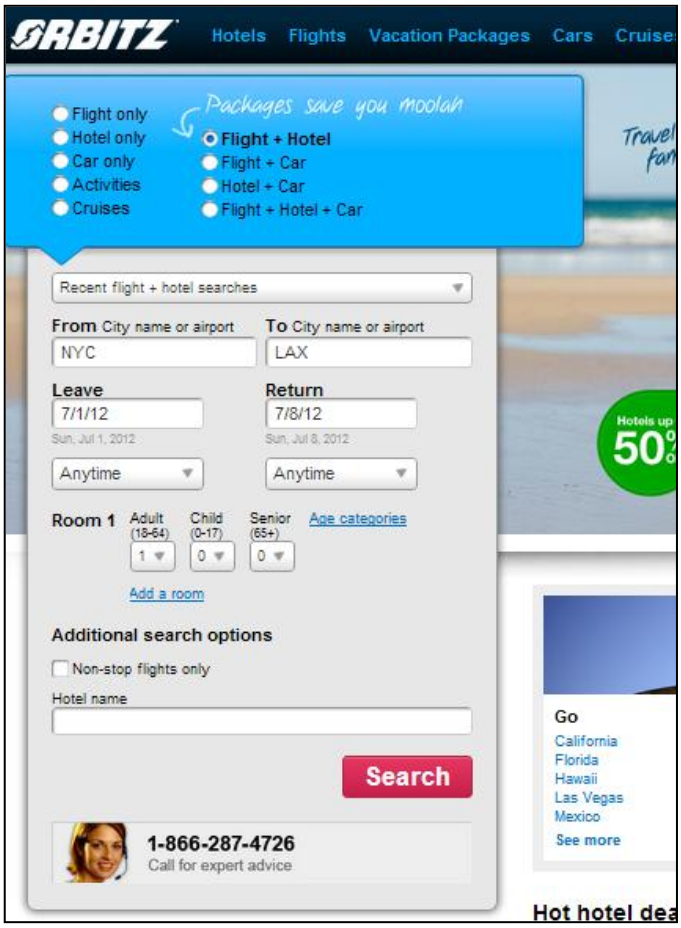
126. Orbitz's trip-planning metasearch service, which includes a metasearch engine found on at least www.orbitz.com, meets each and every element of at least claim 1 of the '918 patent.

127. Orbitz performs a process for metasearching on a distributed network.

128. Orbitz'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, car rental, or other type of travel related item. Figure 1 below shows an interface whereby Orbitz's metasearch engine received a request to send at least one search query comprising the at least one keyword phrase:

Figure 1

Screenshot of an interface whereby Orbitz's trip-planning metasearch engine received a request to send a plurality of search queries at www.orbitz.com on June 5, 2012.



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

130. Orbitz'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.

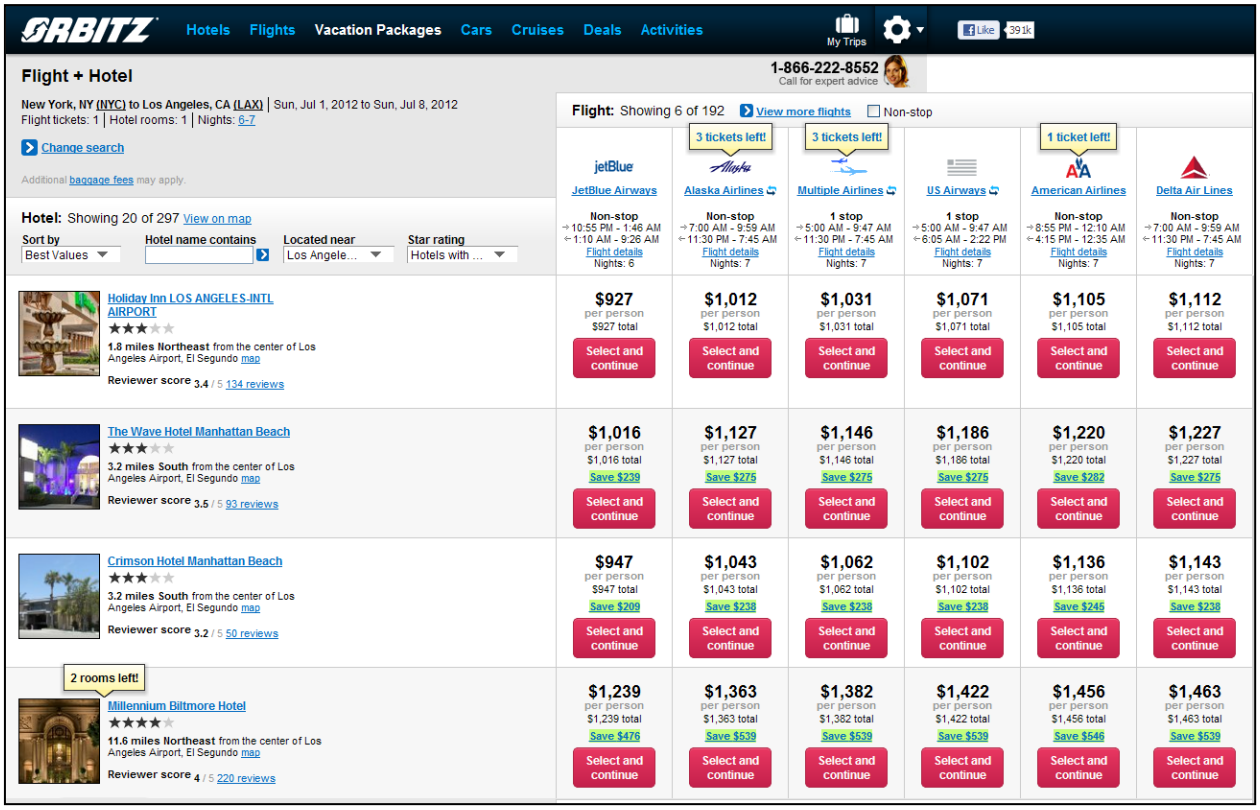
131. Orbitz's metasearch engine incorporates the received search results into at least two different display lists corresponding to the at least two different keyword

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.

132. Orbitz's metasearch engine incorporates the at least two different display lists of received search results into a response for communicating to the client device. Figure 2 below shows at least two different display lists of received search results incorporated into a response:

Figure 2

Screenshot of response sent from Orbitz's trip-planning metasearch engine from www.orbitz.com on June 5, 2012.



133. Orbitz's metasearch engine communicates the response from the metasearch engine to the client device.

134. Orbitz 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). Orbitz has had knowledge of the '918 patent at least as

early as the filing of the original complaint. *See* Exhibit L (preliminary exemplary evidence of Orbitz's infringement of the '918 patent).

135. Metasearch Systems incorporates Exhibit L as fully set forth in this Complaint. Exhibit L sets forth preliminary exemplary evidence of Orbitz's infringement of claim 1 of the '918 patent. The first column in the chart attached as Exhibit L sets forth each element of claim 1 of the '918 patent. The second column in the chart sets forth preliminary exemplary evidence of Orbitz'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 L with a third column for Orbitz to provide its response to the preliminary exemplary evidence for each claim element of claim 1 of the '918 patent.

136. Orbitz does not have a license or permission to use the claimed subject matter in the '918 patent.

137. Orbitz's infringement of the '918 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless Orbitz 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 Orbitz has infringed the ’924, ’451, ’079, ’904, ’091, ’468, and ’918 patents, and is liable to Metasearch Systems for infringement;

2. An award of damages adequate to compensate Metasearch Systems for Orbitz’s infringement of the ’924, ’451, ’079, ’904, ’091, ’468, and ’918 patents;

3. A post-judgment accounting of damages for the period of infringement of the ’924, ’451, ’079, ’904, ’091, ’468, and ’918 patents following the period of damages established by Metasearch Systems at trial;

4. An order enjoining Orbitz from infringing the ’924, ’451, ’079, ’904, ’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.

December 19, 2012

Respectfully submitted,

SEITZ, VAN OGTROP & GREEN, P.A.

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