

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

METASEARCH SYSTEMS, LLC,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,
AMERICAN EXPRESS TRAVEL
RELATED SERVICES COMPANY, INC.,

Defendant.

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)
) **Case No. 1:12-CV-01225-LPS**
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) **JURY TRIAL DEMANDED**
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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Metasearch Systems, LLC (“Metasearch Systems”) for its causes of action against Defendants American Express Company and American Express Travel Related Services, Company, Inc. (collectively, “American Express”), 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. Defendants American Express Company and American Express Travel Related Services Company, Inc. are New York corporations having their principal place of business at 200 Vesey Street, New York, New York 10285, 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 American Express because American Express has committed acts giving rise to this action within Delaware and within this judicial district and has established minimum contacts within the forum such that the exercise of jurisdiction over American Express would not offend traditional notions of fair play and substantial justice.

5. For example, American Express has committed acts of infringement in this District, by among other things, offering combined flight and hotel 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. Joinder of the Defendants in this action is proper under 35 U.S.C. § 299. Upon information and belief, Defendant American Express, Co., as the parent company, is responsible for the operations of Defendant American Express Travel Related Services, Co., Inc. Metasearch Systems seeks relief against the Defendants jointly, severally, or in the alternative with respect to the same transactions, occurrences, or series of transactions

or occurrences relating to the Defendants' patent infringement. In addition, questions of fact common to all Defendants will arise in this action.

7. Venue in the District of Delaware is proper pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because American Express has committed acts within this judicial district giving rise to this action, and American Express 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 American Express's customers in this District.

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 American Express.

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.

American Express

28. American Express offers an online travel booking service that provides travel services to millions of unique visitors that visit American Express's site on a monthly basis. *See* Travelocity Newsroom Press Release, <http://phx.corporate-ir.net/phoenix.zhtml?c=75787&p=irol-newsArticle&ID=654481&highlight=>, accessed 8/20/2012.

29. American Express offers a trip-planning metasearch service accessible through various websites including, for example, www.americanexpress.com/travel.

30. American Express's trip-planning metasearch service is available to customers browsing on the Internet.

31. As stated on its website, American Express's trip-planning service provides the ability for users to "Search Flights + Hotels." As "one of the world's largest global travel agency networks," American Express provides users to "explore hundreds of destinations and plan your trip" "as stated at <http://phx.corporate-ir.net/phoenix.zhtml?c=75787&p=irol-newsArticle&ID=654481&highlight=>;

https://axptravel.americanexpress.com/consumertravel/travel.do?intlink=ctn-xs000049&inav=menu_xsell_booktravel.

COUNT I

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/login, meets each and every element of at least claim 6 of the '924 patent.

35. American Express 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. American Express'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 American Express's trip-planning metasearch engine received a request to send at least one search query.

Figure 1

Screenshot of an interface whereby American Express's trip-planning metasearch engine received a request to send at least one search query www.americanexpress.com/travel on July 12, 2012.

The screenshot displays the American Express Travel website interface. At the top, there is a navigation bar with the American Express logo, links for MY ACCOUNT, CARDS, TRAVEL, REWARDS, and BUSINESS, and a search bar with the text "Need help?". Below this is a secondary navigation bar with links for Book A Trip, Book Travel With Points, View Travel Offers, and Explore Planning Resources.

The main content area features a prominent banner: "Get Double Membership Rewards® Points¹ When You Book With Us". On the left side, there is a login section with fields for User ID and Password, a "Log In" button, and links for "Forgot ID or Password?", "First-time user? Register", "Booked Trips", "Customer Support", "FareWatcher", and "Travel Advisory". Below the login section are buttons for "Book Your Trip", "Book Travel With Points", "View Travel Offers", and "Explore Planning Resources".

The central part of the page is a flight booking form titled "Book Flights with low fares on virtually any airline". It includes a sidebar with icons for Flights, Hotels, Vacations, Cruises, and Cars. The main form fields include:

- From: LGA, To: LAX
- Check nearby airports (US or Canada only)
- Choose a different city for your hotel
- I prefer to stay in a city other than my destination airport
- Exact Dates (selected) or +/- 1 to 3 days
- Depart: 07/26/12, Return: 08/02/12
- Anytime dropdowns for departure and return
- Adults (18-64): 1, Children (2-17): 0, Seniors (65+): 0
- First, Business Class and Airline Options
- Advanced Search: One-way, Multi-Destination, Non-Stop
- Search Flights + Hotels and Search Flights buttons

On the right side, there is a section titled "WHY BOOK WITH US?" featuring a circular arrow icon with "2X" and a star. It includes two sub-sections: "More Points" (2X Membership Rewards® points when you book online with us) and "More Travel" (Use those points to help pay for hotels, cruises, flights, or vacations).

At the bottom left, there is a small advertisement for an "EXCLUSIVE HOTEL SALE" with 40% savings plus amenities at participating hotels worldwide.

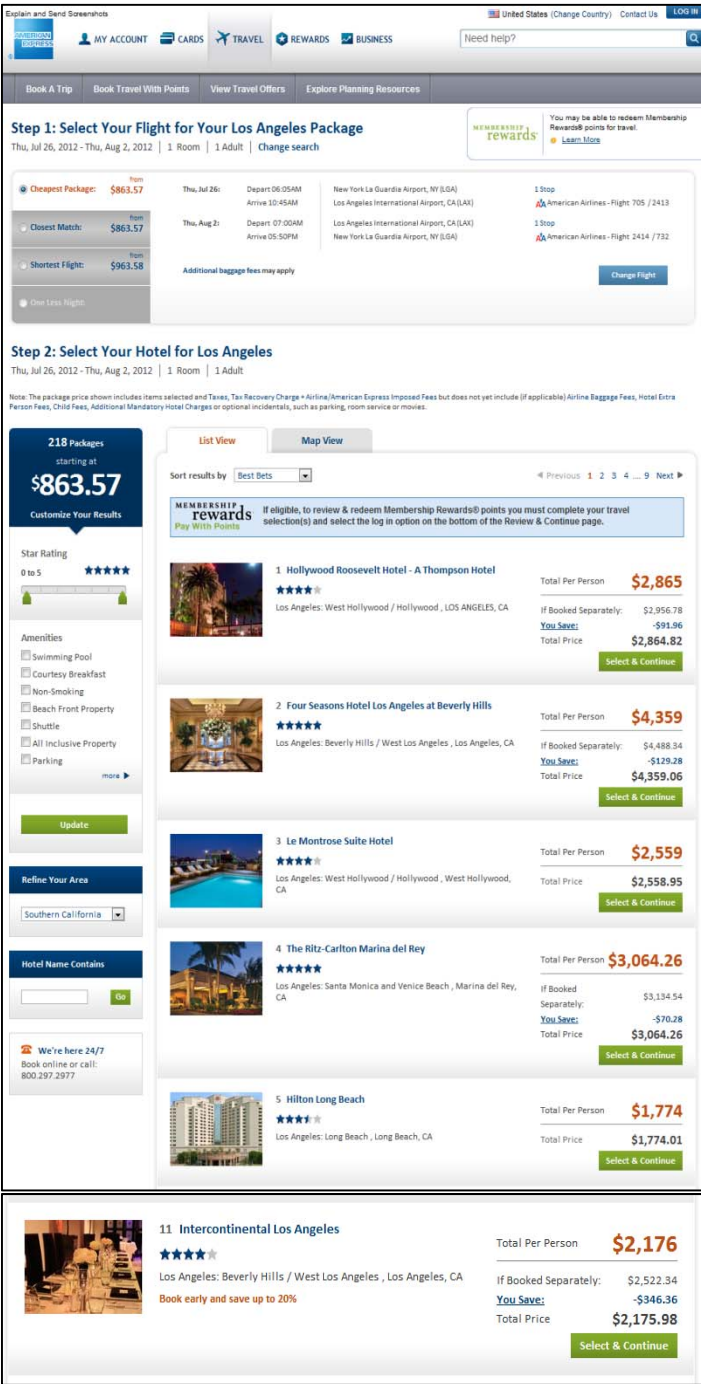
37. American Express's metasearch engine sends the at least one search query to the plurality of unique hosts in response to the HTTP request received from the client device.

38. American Express'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. American Express'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 American Express’s trip-planning metasearch engine from www.americanexpress.com/travel on July 12, 2012.



40. American Express’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 “Intercontinental Los Angeles—Book early and save up to 20%” advertisement, are displayed in the response.

41. American Express’s metasearch engine communicates the response from the metasearch engine to the client device.

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

43. American Express’s metasearch engine processes the order.

44. American Express 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). American Express 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 American Express’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 American Express’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 American Express’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 American Express to provide its response to the preliminary exemplary evidence for each claim element of claim 6 of the '924 patent.

46. American Express does not have a license or permission to use the claimed subject matter in the '924 patent.

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

COUNT II

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/login, meets each and every element of at least claim 15 of the '451 patent.

51. American Express 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. American Express'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 American Express's trip-planning metasearch engine received a request to send a plurality of search queries::

Figure 1

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

The screenshot displays the American Express Travel website interface. At the top, there is a navigation bar with the American Express logo, links for MY ACCOUNT, CARDS, TRAVEL, REWARDS, and BUSINESS, and a search bar. Below this is a secondary navigation bar with links for Book A Trip, Book Travel With Points, View Travel Offers, and Explore Planning Resources. The main content area features a promotional banner for "Get Double Membership Rewards® Points¹ When You Book With Us". On the left, there is a login section with fields for User ID and Password, and a "Log In" button. Below the login section are links for "Book Your Trip", "Book Travel With Points", "View Travel Offers", and "Explore Planning Resources". The central part of the page is a flight booking form titled "Book Flights with low fares on virtually any airline". It includes fields for "From" (LGA) and "To" (LAX), a "Check nearby airports" checkbox, and a "Choose a different city for your hotel" checkbox. The form also has fields for "Depart" (07/26/12) and "Return" (08/02/12) dates, and dropdown menus for "Anytime" and "Anytime". Below these are fields for "Adults (18-64)" (1), "Children (2-17)" (0), and "Seniors (65+)" (0). At the bottom of the form are buttons for "Search Flights + Hotels" and "Search Flights". On the right side of the form, there is a section titled "WHY BOOK WITH US?" which includes a "2X" multiplier icon and text about "More Points" and "More Travel".

53. American Express'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. American Express'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. American Express'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 American Express's trip-planning metasearch engine from www.americanexpress.com/travel on July 12, 2012.

Explain and Send Screenshots

United States (Change Country) Contact Us LOG IN

MY ACCOUNT CARDS TRAVEL REWARDS BUSINESS

Need help?

Book A Trip Book Travel With Points View Travel Offers Explore Planning Resources

Step 1: Select Your Flight for Your Los Angeles Package
Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult | [Change search](#)

Cheapest Package: from **\$863.57**

Closest Match: from **\$863.57**

Shortest Flight: from **\$963.58**

One Less Flight:

Additional baggage fees may apply

Change Flights

MEMBERSHIP REWARDS You may be able to redeem Membership Rewards® points for travel. [Learn More](#)

Step 2: Select Your Hotel for Los Angeles
Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult

Note: The package price shown includes items selected and Taxes, Tax Recovery Charge + Airline/American Express Imposed Fees but does not yet include (if applicable) Airline Baggage Fees, Hotel Extra Person Fees, Child Fees, Additional Mandatory Hotel Charges or optional incidentals, such as parking, room service or movies.

218 Packages starting at \$863.57
Customize Your Results

Star Rating 0 to 5 ★★★★★

Amenities

- ☐ Swimming Pool
- ☐ Courtesy Breakfast
- ☐ Non-Smoking
- ☐ Beach Front Property
- ☐ Shuttle
- ☐ All Inclusive Property
- ☐ Parking

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List View **Map View**

Sort results by Best Beta

MEMBERSHIP REWARDS Pay With Points

If eligible, to review & redeem Membership Rewards® points you must complete your travel selection(s) and select the log in option on the bottom of the Review & Continue page.

1 Hollywood Roosevelt Hotel - A Thompson Hotel
★★★★☆
Los Angeles: West Hollywood / Hollywood, LOS ANGELES, CA
Total Per Person **\$2,865**
If Booked Separately: \$2,956.78
You Save: -\$91.96
Total Price **\$2,864.82**
Select & Continue

2 Four Seasons Hotel Los Angeles at Beverly Hills
★★★★★
Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA
Total Per Person **\$4,359**
If Booked Separately: \$4,488.34
You Save: -\$129.28
Total Price **\$4,359.06**
Select & Continue

3 Le Montrose Suite Hotel
★★★★☆
Los Angeles: West Hollywood / Hollywood, West Hollywood, CA
Total Per Person **\$2,559**
Total Price **\$2,558.95**
Select & Continue

4 The Ritz-Carlton Marina del Rey
★★★★★
Los Angeles: Santa Monica and Venice Beach, Marina del Rey, CA
Total Per Person **\$3,064.26**
If Booked Separately: \$3,134.54
You Save: -\$70.28
Total Price **\$3,064.26**
Select & Continue

5 Hilton Long Beach
★★★★☆
Los Angeles: Long Beach, Long Beach, CA
Total Per Person **\$1,774**
Total Price **\$1,774.01**
Select & Continue

11 Intercontinental Los Angeles
★★★★☆
Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA
Book early and save up to 20%
Total Per Person **\$2,176**
If Booked Separately: \$2,522.34
You Save: -\$346.36
Total Price **\$2,175.98**
Select & Continue

56. American Express'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 2 above, advertisements associated with the plurality of travel related items, such as the "Intercontinental Los Angeles—Book early and save up to 20%" advertisement, are displayed in the response.

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

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

59. American Express's metasearch engine processes the order.

60. American Express 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). American Express 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 American Express'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 American Express'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 American Express'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 American Express to provide its response to the preliminary exemplary evidence for each claim element of claim 15 of the '451 patent.

62. American Express does not have a license or permission to use the claimed subject matter in the '451 patent.

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

COUNT III

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/travel, meets each and every element of at least claim 31 of the '079 patent.

67. American Express 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. American Express'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 American Express’s trip-planning metasearch engine received a request to send a plurality of search queries::

Figure 1

Screenshot of an interface whereby American Express’s trip-planning metasearch engine received a request to send a plurality of search queries at www.americanexpress.com/travel on July 12, 2012.



69. American Express'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. American Express'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. American Express'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 American Express's trip-planning metasearch engine from www.americanexpress.com/travel on July 12, 2012.

United States (Change Country) | Contact Us | [Need help?](#)

[MY ACCOUNT](#) | [CARDS](#) | [TRAVEL](#) | [REWARDS](#) | [BUSINESS](#)

[Book A Trip](#) | [Book Travel With Points](#) | [View Travel Offers](#) | [Explore Planning Resources](#)

Step 1: Select Your Flight for Your Los Angeles Package

Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult | [Change search](#)

Cheapest Package: **from \$865.57**

Oldest Match: **from \$861.57**

Shortest Flight: **from \$963.58**

One Less Flight:

Thu, Jul 26: Depart 06:05AM
Arrive 10:45AM

Thu, Aug 2: Depart 07:00AM
Arrive 05:50PM

New York La Guardia Airport, NY (LGA)
Los Angeles International Airport, CA (LAX)

Los Angeles International Airport, CA (LAX)
New York La Guardia Airport, NY (LGA)

1 Stop
American Airlines - Flight 705 / 2413

1 Stop
American Airlines - Flight 2414 / 732

[Change Flight](#)

Step 2: Select Your Hotel for Los Angeles

Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult

Note: The package price shown includes items selected and Taxes, Tax Recovery Charge + Airline/American Express Imposed Fees but does not yet include (if applicable) Airline Baggage Fees, Hotel Extra Person Fees, Child Fees, Additional Mandatory Hotel Charges or optional incidentals, such as parking, room service or movies.

218 Packages starting at **\$863.57**

Customize Your Results

Star Rating

0 to 5 **★★★★★**

Amenities

☐ Swimming Pool
☐ Courtesy Breakfast
☐ Non-Smoking
☐ Beach Front Property
☐ Shuttle
☐ All Inclusive Property
☐ Parking

[more](#)

[Update](#)

Refine Your Area

Southern California

Hotel Name Contains

[Go](#)

[We're here 24/7](#)
Book online or call:
800.297.2977


[List View](#) | [Map View](#)

Sort results by **Best Bets**

4 Previous 1 2 3 4 ... 9 Next

MEMBERSHIP rewards
Pay With Points

If eligible, to review & redeem Membership Rewards® points you must complete your travel selection(s) and select the log in option on the bottom of the Review & Continue page.




1 Hollywood Roosevelt Hotel - A Thompson Hotel
★★★★★
Los Angeles: West Hollywood / Hollywood, LOS ANGELES, CA

Total Per Person **\$2,865**

If Booked Separately: \$2,956.78
You Save: -\$91.96
Total Price **\$2,864.82**

[Select & Continue](#)




2 Four Seasons Hotel Los Angeles at Beverly Hills
★★★★★
Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA

Total Per Person **\$4,359**

If Booked Separately: \$4,488.34
You Save: -\$129.28
Total Price **\$4,359.06**

[Select & Continue](#)




3 Le Montrose Suite Hotel
★★★★★
Los Angeles: West Hollywood / Hollywood, West Hollywood, CA

Total Per Person **\$2,559**

Total Price **\$2,558.95**

[Select & Continue](#)




4 The Ritz-Carlton Marina del Rey
★★★★★
Los Angeles: Santa Monica and Venice Beach, Marina del Rey, CA

Total Per Person **\$3,064.26**

If Booked Separately: \$3,134.54
You Save: -\$70.28
Total Price **\$3,064.26**

[Select & Continue](#)




5 Hilton Long Beach
★★★★★
Los Angeles: Long Beach, Long Beach, CA

Total Per Person **\$1,774**

Total Price **\$1,774.01**

[Select & Continue](#)



11 Intercontinental Los Angeles
★★★★★
Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA
Book early and save up to 20%

Total Per Person **\$2,176**

If Booked Separately: \$2,522.34
You Save: -\$346.36
Total Price **\$2,175.98**

[Select & Continue](#)

24

72. American Express'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 2 above, advertisements associated with the plurality of travel related items, such as the "Intercontinental Los Angeles—Book early and save up to 20%" advertisement, are displayed in the response.

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

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

75. American Express's metasearch engine processes the order.

76. American Express 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). American Express 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 American Express'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 American Express'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 American Express'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 American Express's to provide its response to the preliminary exemplary evidence for each claim element of claim 31 of the '079 patent.

78. American Express does not have a license or permission to use the claimed subject matter in the '079 patent.

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

COUNT IV

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/login, meets each and every element of at least claim 13 of the '904 patent.

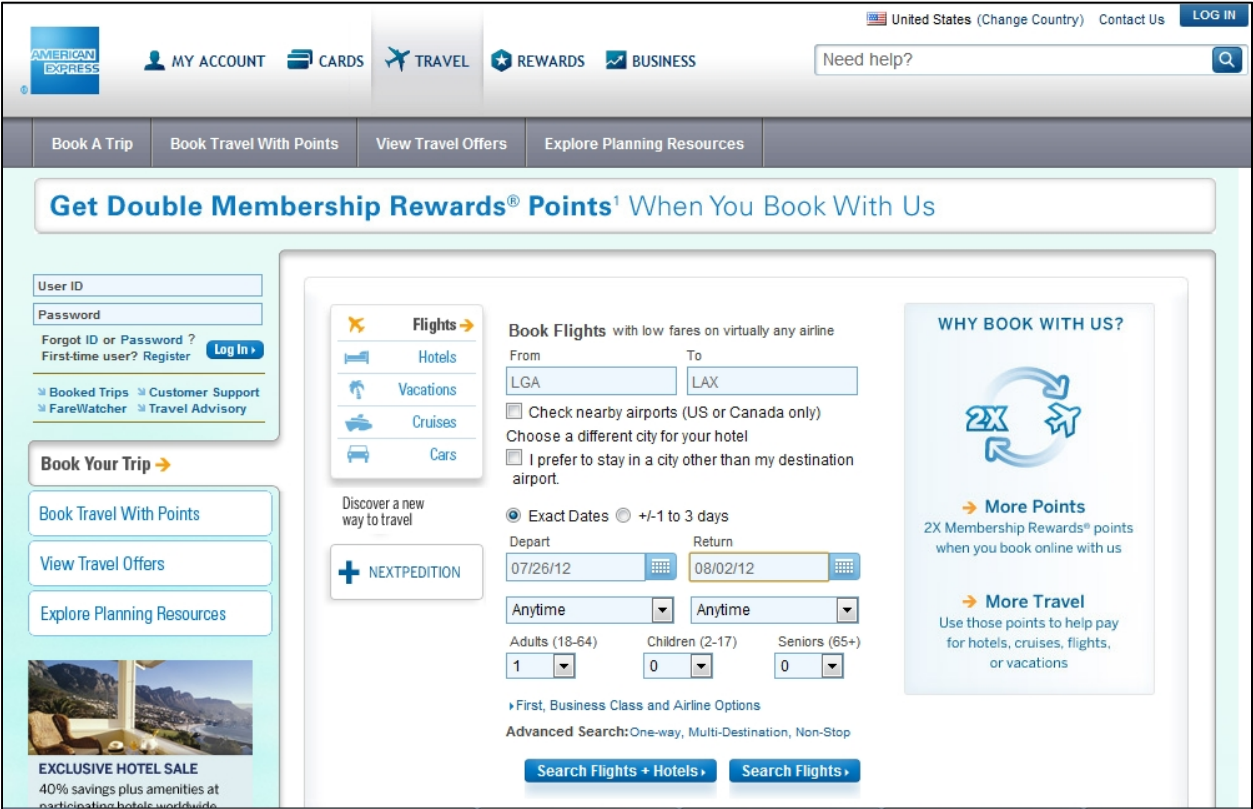
83. American Express performs a process for metasearching on the Internet, wherein the steps of the process are performed by a metasearch engine executing on a hardware device.

84. American Express'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 American Express’s trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby American Express’s trip-planning metasearch engine received a request to send a plurality of search queries at www.americanexpress.com/travel on July 12, 2012.



85. American Express'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. American Express'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. American Express'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 American Express’s trip-planning metasearch engine from www.americanexpress.com/travel on July 12, 2012.

United States (Change Country) | Contact Us | [LOG IN](#)

[MY ACCOUNT](#) | [CARDS](#) | [TRAVEL](#) | [REWARDS](#) | [BUSINESS](#)

Need help?

[Book A Trip](#) | [Book Travel With Points](#) | [View Travel Offers](#) | [Explore Planning Resources](#)

Step 1: Select Your Flight for Your Los Angeles Package

Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult | [Change search](#)

Cheapest Package: ~~from \$863.57~~

Oldest Match: ~~from \$863.57~~

Shortest Flight: ~~from \$963.58~~

One Less Flight:

Thu, Jul 26: Depart 06:05AM
Arrive 10:45AM

Thu, Aug 2: Depart 07:00AM
Arrive 05:50PM

New York La Guardia Airport, NY (LGA)
Los Angeles International Airport, CA (LAX)
Los Angeles International Airport, CA (LAX)
New York La Guardia Airport, NY (LGA)

1 Stop
American Airlines - Flight 705 / 2413
1 Stop
American Airlines - Flight 2414 / 732

Additional baggage fees may apply

[Change Flight](#)

MEMBERSHIP rewards

You may be able to redeem Membership Rewards® points for travel. [Learn More](#)

Step 2: Select Your Hotel for Los Angeles

Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult

Note: The package price shown includes items selected and Taxes, Tax Recovery Charge + Airline/American Express Imposed Fees but does not yet include (if applicable) Airline Baggage Fees, Hotel Extra Person Fees, Child Fees, Additional Mandatory Hotel Charges or optional incidentals, such as parking, room service or movies.

218 Packages
starting at **\$863.57**
[Customize Your Results](#)

Star Rating

0 to 5

★★★★★

Amenities

☐ Swimming Pool

☐ Courtesy Breakfast

☐ Non-Smoking

☐ Beach Front Property

☐ Shuttle

☐ All Inclusive Property

☐ Parking

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Refine Your Area

Southern California

Hotel Name Contains

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Book online or call:
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[List View](#) | [Map View](#)

Sort results by [Best Bets](#)

4 Previous 1 2 3 4 ... 9 Next

MEMBERSHIP rewards
Pay With Points

If eligible, to review & redeem Membership Rewards® points you must complete your travel selection(s) and select the log in option on the bottom of the Review & Continue page.



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Total Per Person

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If Booked Separately: \$2,956.78

You Save: **-\$91.96**

Total Price

\$2,864.82

[Select & Continue](#)



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★★★★★

Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA

Total Per Person

\$4,359


If Booked Separately: \$4,488.34

You Save: **-\$129.28**

Total Price

\$4,359.06

[Select & Continue](#)



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★★★★★

Los Angeles: West Hollywood / Hollywood, West Hollywood, CA


Total Per Person

\$2,559

Total Price

\$2,558.95

[Select & Continue](#)



4 The Ritz-Carlton Marina del Rey

★★★★★

Los Angeles: Santa Monica and Venice Beach, Marina del Rey, CA

Total Per Person

\$3,064.26


If Booked Separately: \$3,134.54

You Save: **-\$70.28**

Total Price

\$3,064.26

[Select & Continue](#)



5 Hilton Long Beach

★★★★★

Los Angeles: Long Beach, Long Beach, CA


Total Per Person

\$1,774

Total Price

\$1,774.01

[Select & Continue](#)



11 Intercontinental Los Angeles

★★★★★

Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA

Book early and save up to 20%

Total Per Person

\$2,176

If Booked Separately: \$2,522.34

You Save: **-\$346.36**

Total Price

\$2,175.98

[Select & Continue](#)

30

88. American Express'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 2 above, advertisements associated with the at least one keyword, such as the "Intercontinental Los Angeles—Book early and save up to 20%" advertisement, are displayed in the response.

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

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

91. American Express's metasearch engine processes the order.

92. American Express 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). American Express 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 American Express'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 American Express'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 American Express'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 American Express to provide its response to the preliminary exemplary evidence for each claim element of claim 13 of the '904 patent.

94. American Express does not have a license or permission to use the claimed subject matter in the '904 patent.

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

COUNT V

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/login, meets each and every element of at least claim 16 of the '091 patent.

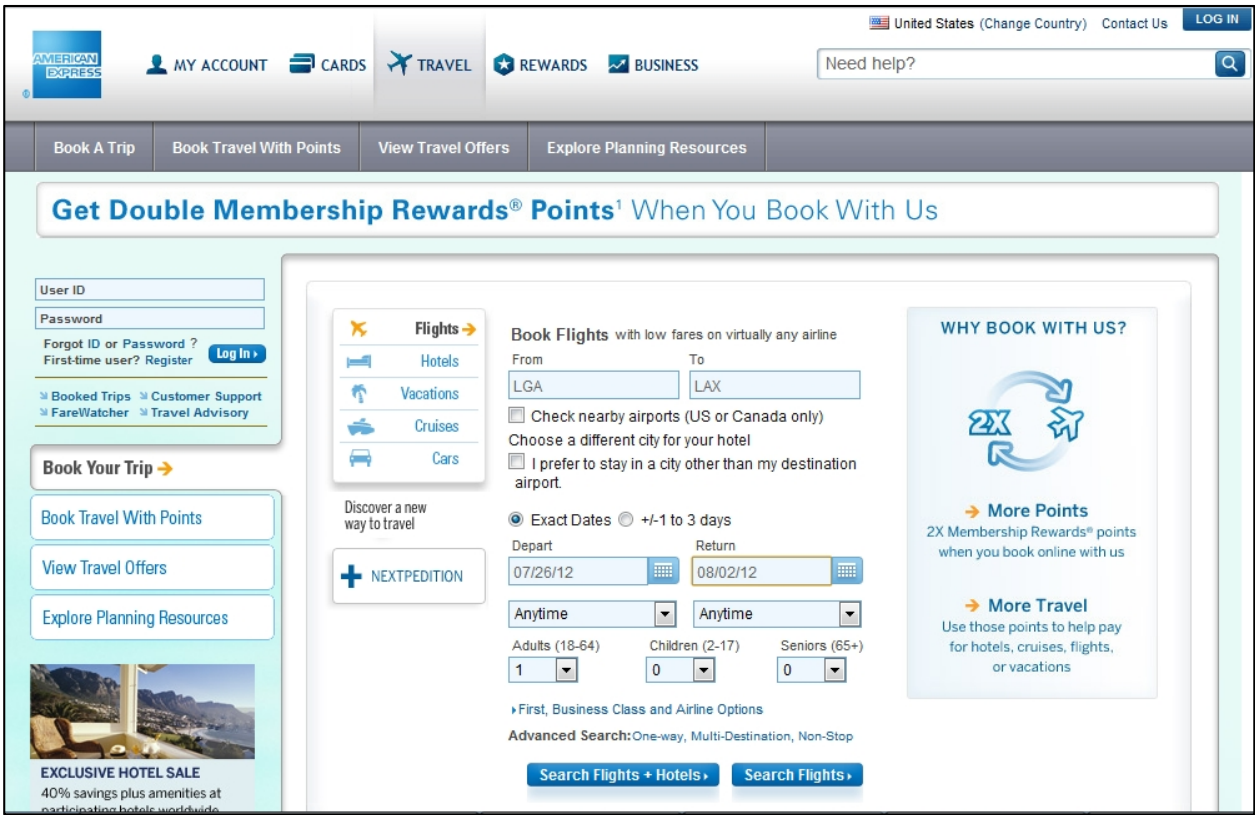
99. American Express performs a process executing on a hardware device comprising a metasearch engine for metasearching on a distributed network.

100. American Express'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, hotel reservation,

car rental, or other type of travel related item. Figure 1 below shows an interface whereby American Express’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 American Express’s metasearch engine received a request to send at least one search query at www.americanexpress.com/travel on July 12, 2012.



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

102. American Express’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. American Express's metasearch engine incorporates the received search results into at least one display list corresponding to the at least one keyword phrase.

104. American Express'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:

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

106. American Express 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). American Express 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 American Express'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 American Express'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 American Express'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 American Express to provide its response to the preliminary exemplary evidence for each claim element of claim 16 of the '091 patent.

108. American Express does not have a license or permission to use the claimed subject matter in the '091 patent.

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

COUNT VI

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/login, meets each and every element of at least claim 1 of the '468 patent.

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

114. American Express 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 American Express's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

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

The screenshot displays the American Express Travel website interface. At the top, there is a navigation bar with the American Express logo, links for MY ACCOUNT, CARDS, TRAVEL, REWARDS, and BUSINESS, and a search bar with the text "Need help?". Below this is a secondary navigation bar with links: Book A Trip, Book Travel With Points, View Travel Offers, and Explore Planning Resources.

The main content area features a large banner at the top that reads "Get Double Membership Rewards® Points¹ When You Book With Us". Below this banner, there is a left sidebar with a login section (User ID, Password, Forgot ID or Password?, First-time user? Register, Log In), a list of links (Booked Trips, Customer Support, FareWatcher, Travel Advisory), and a "Book Your Trip" section with buttons for "Book Travel With Points", "View Travel Offers", and "Explore Planning Resources".

The central part of the page contains a "Book Flights" section with the heading "Book Flights with low fares on virtually any airline". It includes a search form with fields for "From" (LGA) and "To" (LAX), a checkbox for "Check nearby airports (US or Canada only)", and a checkbox for "I prefer to stay in a city other than my destination airport". Below these are date pickers for "Depart" (07/26/12) and "Return" (08/02/12), and dropdown menus for "Anytime" and "Anytime". There are also input fields for "Adults (18-64)" (1), "Children (2-17)" (0), and "Seniors (65+)" (0). At the bottom of this section are buttons for "Search Flights + Hotels" and "Search Flights".

On the right side of the main content area, there is a "WHY BOOK WITH US?" section with a circular arrow icon and the text "2X More Points" and "2X Membership Rewards® points when you book online with us". Below this is a "More Travel" section with the text "Use those points to help pay for hotels, cruises, flights, or vacations".

At the bottom left, there is a small image of a hotel room with the text "EXCLUSIVE HOTEL SALE" and "40% savings plus amenities at participating hotels worldwide".

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

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

118. American Express'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:

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

120. American Express 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). American Express 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 American Express'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 American Express'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 American Express'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 American Express to provide its response to the preliminary exemplary evidence for each claim element of claim 1 of the '468 patent.

122. American Express does not have a license or permission to use the claimed subject matter in the '468 patent.

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

COUNT VII

American Express'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. American Express's trip-planning metasearch service, which includes a metasearch engine found on at least www.americanexpress.com/travel, meets each and every element of at least claim 1 of the '918 patent.

127. American Express performs a process for metasearching on a distributed network.

128. American Express'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 American Express's trip-planning metasearch engine received a request to send a plurality of search queries:

Figure 1

Screenshot of an interface whereby American Express's trip-planning metasearch engine received a request to send a plurality of search queries www.americanexpress.com/travel on July 12, 2012.

The screenshot displays the American Express Travel website interface. At the top, there is a navigation bar with the American Express logo and links for MY ACCOUNT, CARDS, TRAVEL, REWARDS, and BUSINESS. A search bar with the text "Need help?" is also present. Below the navigation bar, a banner promotes "Get Double Membership Rewards® Points¹ When You Book With Us". The main content area is titled "Book Flights" and includes a search form with fields for "From" (LGA) and "To" (LAX), departure and return dates (07/26/12 and 08/02/12), and passenger counts for Adults (1), Children (0), and Seniors (0). A sidebar on the left offers options like "Book Your Trip", "Book Travel With Points", and "View Travel Offers". A right sidebar titled "WHY BOOK WITH US?" highlights "More Points" and "More Travel" benefits.

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

130. American Express'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. American Express'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. American Express'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 American Express’s trip-planning metasearch engine from www.americanexpress.com/travel on July 12, 2012.

United States (Change Country) | Contact Us | [LOG IN](#)

[MY ACCOUNT](#) | [CARDS](#) | [TRAVEL](#) | [REWARDS](#) | [BUSINESS](#)

[Need help?](#)

[Book A Trip](#) | [Book Travel With Points](#) | [View Travel Offers](#) | [Explore Planning Resources](#)

Step 1: Select Your Flight for Your Los Angeles Package

Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult | [Change search](#)

Cheapest Package: **\$863.57**

from

Closest Match: **\$863.57**

from

Shortest Flight: **\$963.58**

from

One Less Night

Thu, Jul 26:

Depart 06:05AM

Arrive 10:45AM

Thu, Aug 2:

Depart 07:00AM

Arrive 05:50PM

New York La Guardia Airport, NY (LGA)

Los Angeles International Airport, CA (LAX)

Los Angeles International Airport, CA (LAX)

New York La Guardia Airport, NY (LGA)

1 Stop

American Airlines - Flight: 705 / 2413

1 Stop

American Airlines - Flight: 2414 / 732

Additional baggage fees may apply

[Change Flight](#)

Step 2: Select Your Hotel for Los Angeles

Thu, Jul 26, 2012 - Thu, Aug 2, 2012 | 1 Room | 1 Adult

Note: The package price shown includes items selected and Taxes, Tax Recovery Charge + Airline/American Express Imposed Fees but does not yet include (if applicable) Airline Baggage Fees, Hotel Extra Person Fees, Child Fees, Additional Mandatory Hotel Charges or optional incidentals, such as parking, room service or movies.

218 Packages starting at **\$863.57**

Customize Your Results

Star Rating

0 to 5

★★★★★

Amenities

☐ Swimming Pool

☐ Courtesy Breakfast

☐ Non-Smoking

☐ Beach Front Property

☐ Shuttle

☐ All Inclusive Property

☐ Parking

[more](#)

[Update](#)

Refine Your Area

Southern California

Hotel Name Contains

[Go](#)

[We're here 24/7](#)

Book online or call: 800.297.2977

List View

Map View

Sort results by: Best Bets

[Previous](#) | [1](#) | [2](#) | [3](#) | [4](#) | [...](#) | [Next](#)

MEMBERSHIP rewards

Play With Points

If eligible, to review & redeem Membership Rewards® points you must complete your travel selection(s) and select the log in option on the bottom of the Review & Continue page.

1 Hollywood Roosevelt Hotel - A Thompson Hotel

★★★★★

Los Angeles: West Hollywood / Hollywood, LOS ANGELES, CA

Total Per Person **\$2,865**

If Booked Separately: \$2,956.78

You Save: **-\$91.96**

Total Price **\$2,864.82**

[Select & Continue](#)

2 Four Seasons Hotel Los Angeles at Beverly Hills

★★★★★

Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA

Total Per Person **\$4,359**

If Booked Separately: \$4,488.34

You Save: **-\$129.28**

Total Price **\$4,359.06**

[Select & Continue](#)

3 Le Montrose Suite Hotel

★★★★★

Los Angeles: West Hollywood / Hollywood, West Hollywood, CA

Total Per Person **\$2,559**

Total Price **\$2,558.95**

[Select & Continue](#)

4 The Ritz-Carlton Marina del Rey

★★★★★

Los Angeles: Santa Monica and Venice Beach, Marina del Rey, CA

Total Per Person **\$3,064.26**

If Booked Separately: \$3,134.54

You Save: **-\$70.28**

Total Price **\$3,064.26**

[Select & Continue](#)

5 Hilton Long Beach

★★★★★

Los Angeles: Long Beach, Long Beach, CA

Total Per Person **\$1,774**

Total Price **\$1,774.01**

[Select & Continue](#)

11 Intercontinental Los Angeles

★★★★★

Los Angeles: Beverly Hills / West Los Angeles, Los Angeles, CA

[Book early and save up to 20%](#)

Total Per Person **\$2,176**

If Booked Separately: \$2,522.34

You Save: **-\$346.36**

Total Price **\$2,175.98**

[Select & Continue](#)

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

134. American Express 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). American Express 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 American Express'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 American Express'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 American Express'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 American Express to provide its response to the preliminary exemplary evidence for each claim element of claim 1 of the '918 patent.

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

137. American Express's infringement of the '918 patent has injured Metasearch Systems and will cause added irreparable injury and damage in the future unless American Express 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 American Express 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 American Express'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 American Express 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 28, 2012

Respectfully submitted,

SEITZ, VAN OGTROP & GREEN, P.A.

/s/ Patricia P. McGonigle

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