

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

ALOFT MEDIA, LLC,

Plaintiff,

v.

GOOGLE, INC.

Defendant.

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Civil Action No. 6:08-CV-440

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Aloft Media, LLC (“Aloft Media”) complains against Google, Inc. (“Google”) as follows:

PARTIES

1. Plaintiff Aloft Media is a Texas limited liability company with its principal place of business at 211 W. Tyler Street, Suite C-1, Longview, TX 75601.

2. Upon information and belief, Google, Inc. is a Delaware corporation with its principal place of business at 1600 Amphitheater Parkway, Mountain View, California 94043. Google may be served with process through its Registered Agent, Corporations Service Company, d/b/a CSC-Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and

1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Google has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Google is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringement alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

PATENT INFRINGEMENT

6. Aloft Media is the owner by assignment of United States Patent No. 7,194,691 ("the '691 patent") entitled "Network Browser Window with Adjacent Identifier Selector Interface for Storing Web Content". The '691 patent issued on March 20, 2007. A true and correct copy of '691 patent is attached as Exhibit A.

7. Aloft Media is the owner by assignment of United States Patent No. 7,117,443 ("the '443 patent") entitled "Network Browser Graphical User Interface for Managing Web Content." The '443 patent issued on October 3, 2006. A true and correct copy of '443 patent is attached as Exhibit B.

8. On information and belief, Google has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '691 and '443 patents in the State of Texas, in this judicial district, and elsewhere in the United States. Google's infringements include, among other things, making, using, offering for sale, and/or

selling computer software products, including without limitation its Google Chrome Browser. Google is thus liable for infringement of the '691 and '443 patents pursuant to 35 U.S.C. § 271.

9. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, such requirements have been complied with.

10. As a result of Google's infringement of the '691 and '443 patents, Aloft Media has suffered monetary damages that are compensable under 35 U.S.C. § 284 adequate to compensate it for the infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Aloft Media, LLC requests that this Court enter:

A. A judgment in favor of Aloft Media, LLC that Google has directly, and/or by way of inducing infringement by others, and/or contributing to the infringement by others of the '691 and '443 patents, and that such infringement was willful;

B. A judgment and order requiring Google to pay Aloft Media, LLC its damages, costs, expenses, and prejudgment and post-judgment interest for Google's infringement of the '691 and '443 patents as provided under 35 U.S.C. § 284; and

C. Any and all other relief for which the Court may deem Aloft Media, LLC entitled.

DEMAND FOR JURY TRIAL

Aloft Media, LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED: May 22, 2009

Respectfully submitted,

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