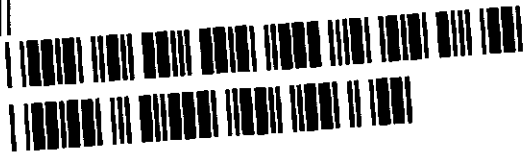


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10-CV-01385-CMP

Hon. Marsha J. Pechman

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC.; APPLE, INC.; eBAY, INC.;
FACEBOOK, INC.; GOOGLE INC.;
NETFLIX, INC.; OFFICE DEPOT, INC.;
OFFICEMAX INC.; STAPLES, INC.;
YAHOO! INC.; AND YOUTUBE, LLC,

Defendants.

Case No. C10-1385 MJP

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY DEMAND

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Interval Licensing LLC, files this first amended complaint for patent infringement against Defendants AOL, Inc., Apple, Inc., eBay, Inc., Facebook, Inc., Google Inc., Netflix, Inc., Office Depot, Inc., OfficeMax Inc., Staples, Inc., Yahoo! Inc., and YouTube, LLC. Plaintiff Interval Licensing LLC alleges:

THE PARTIES

1
2 1. Interval Licensing LLC (“Interval”) is a limited liability company duly
3 organized under the laws of the state of Washington, with its principal place of business at
4 505 Fifth Avenue South, Suite 900, Seattle, WA 98104.

5
6 2. Interval is informed and believes, and on that basis alleges, that Defendant
7 AOL, Inc. (“AOL”) is a corporation duly organized and existing under the laws of the state
8 of Delaware, with its principal place of business at 770 Broadway, New York, NY 10003.

9
10 3. Interval is informed and believes, and on that basis alleges, that Defendant
11 Apple, Inc. (“Apple”) is a corporation duly organized and existing under the laws of the
12 state of California, with its principal place of business at 1 Infinite Loop, Cupertino, CA
13 95014.

14
15 4. Interval is informed and believes, and on that basis alleges, that Defendant
16 eBay, Inc. (“eBay”) is a corporation duly organized and existing under the laws of the state
17 of Delaware, with its principal place of business at 2145 Hamilton Avenue, San Jose, CA
18 95125.

19
20 5. Interval is informed and believes, and on that basis alleges, that Defendant
21 Facebook, Inc. (“Facebook”) is a corporation duly organized and existing under the laws of
22 the state of Delaware, with its principal place of business at 1601 S. California Avenue, Palo
23 Alto, CA 94304.

24
25 6. Interval is informed and believes, and on that basis alleges, that Defendant
26 Google Inc. (“Google”) is a corporation duly organized and existing under the laws of the
27 state of Delaware, with its principal place of business at 1600 Amphitheatre Parkway,
28 Mountain View, CA 94043.

1 7. Interval is informed and believes, and on that basis alleges, that Defendant
2 Netflix, Inc. ("Netflix") is a corporation duly organized and existing under the laws of the
3 state of Delaware, with its principal place of business at 100 Winchester Circle, Los Gatos,
4 CA 95032.

5 8. Interval is informed and believes, and on that basis alleges, that Defendant
6 Office Depot, Inc. ("Office Depot") is a corporation duly organized and existing under the
7 laws of the state of Delaware, with its principal place of business at 6600 North Military
8 Trail, Boca Raton, FL 33496.

9 9. Interval is informed and believes, and on that basis alleges, that Defendant
10 OfficeMax Inc. ("OfficeMax") is a corporation duly organized and existing under the laws
11 of the state of Delaware, with its principal place of business at 263 Shuman Boulevard,
12 Naperville, IL 60563.

13 10. Interval is informed and believes, and on that basis alleges, that Defendant
14 Staples, Inc. ("Staples") is a corporation duly organized and existing under the laws of the
15 state of Delaware, with its principal place of business at 500 Staples Drive, Framingham,
16 MA 01702.

17 11. Interval is informed and believes, and on that basis alleges, that Defendant
18 Yahoo! Inc. ("Yahoo") is a corporation duly organized and existing under the laws of the
19 state of Delaware, with its principal place of business at 701 First Avenue, Sunnyvale, CA
20 94089.

21 12. Interval is informed and believes, and on that basis alleges, that Defendant
22 YouTube, LLC ("YouTube") is a limited liability company duly organized and existing
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1 under the laws of the state of California, with its principal place of business at 901 Cherry
2 Avenue, San Bruno, CA 94066.

3 **JURISDICTION AND VENUE**

4 13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1338(a)
5 because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*
6 Venue is proper in this Federal Circuit pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in
7 that a substantial part of the events giving rise to the claims occurred in this district and the
8 defendants have a regular and established practice of business in this district and have
9 committed acts of infringement in this district.
10

11 **INTERVAL RESEARCH CORPORATION WAS A PIONEER IN THE**
12 **TECHNOLOGY INDUSTRY**

13 14. Interval Research Corporation (“Interval Research”) was founded in 1992 by
14 Paul Allen and David Liddle to perform advanced research and development in the areas of
15 information systems, communications, and computer science. Mr. Allen, who served as
16 Interval Research’s chairman, was one of the earliest pioneers of personal computer
17 software. He co-founded Microsoft with Bill Gates in 1975 and later founded Vulcan
18 Ventures in 1986. Mr. Liddle served as Interval Research’s president and chief executive
19 officer. He was instrumental in developing fundamental technologies starting in the early
20 1970s when he worked at Xerox at the Palo Alto Research Center.
21

22 15. Starting with Mr. Allen, Mr. Liddle, and a handful of scientists and inventors,
23 Interval Research evolved into one of the preeminent technology firms. It employed over
24 110 of the world’s leading scientists, physicists, engineers, artists, and journalists, and was
25 at the forefront in designing next-generation science and technology.
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1 continues to hold all rights and interest in the '507 patent. A true and correct copy of the
2 '507 patent is attached hereto as Exhibit 2.

3 21. Defendant AOL has infringed and continues to infringe one or more claims
4 of the '507 patent under 35 U.S.C. § 271. AOL operates many websites that provide
5 articles, videos, advertisements, and other types of content to users. In order to help users
6 find additional content items that may be of interest, the software and hardware that operate
7 the websites compare the available content items to determine whether they are related.
8 When a user views a particular content item, the AOL websites generate displays of related
9 content items so as to inform the user that the related content items may be of interest. For
10 example, as demonstrated by Exhibit 6, when a user views a particular news article on the
11 AOL News website, the website displays both the article (identified by the red box) and
12 links to other related news articles (identified by the green boxes). Similar functionality is
13 used by many websites that are owned and operated by AOL, including AOL Answers,
14 Asylum, Auto Blog, Aol Autos, Big Download, BlackVoices, The Boombox, The Boot,
15 Cambio, Cinematical, City's Best, Comics Alliance, DailyFinance, Engadget, Fanhouse,
16 Flea Flicker, Gadling, GameDaily, Games.com, AOL Health, Holidash, Housing Watch,
17 AOL Find a Job, Joystiq, JSYK, Aol Kids, Kitchen Daily, AOL Latino, Lemondrop, AOL
18 Lifestream, AOL Mail, Marlo Thomas.com, Massively, MMA Fighting.com, Moviefone,
19 AOL Music, My Daily, AOL News, NoiseCreep, Parent Dish, Patch, Paw Nation, Politics
20 Daily, PopEater, AOL Radio, AOL Real Estate, Rented Spaces, AOL Seed, ShelterPop,
21 AOL Shopping, Shortcut\$, SHOUTcast, Slashfood, AOL Small Business, Spinner, Stylelist,
22 Switched, AOL Television, Tourtracker, AOL Travel, Truevo, Tu-Voz, Tuaw, TV Squad,
23 URLesque, AOL Videos, WalletPop, Winamp, and WOW.com. Although the types of
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1 content (e.g., articles, videos, recipes, emails, product information, advertisements, etc.) may
2 vary from website to website, each website performs the function described above—namely,
3 comparing content items to determine whether they are related and displaying those related
4 content items. The hardware and software associated with the AOL websites identified
5 above and any other AOL websites that perform this function infringe at least claims 20, 21,
6 22, 23, 24, 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80 of the '507 patent
7 under 35 U.S.C. § 271.
8

9 22. Defendant AOL operates the AOL Spam Filter as part of its AOL Mail
10 website and service. When a new email is received by AOL Mail, the hardware and
11 software associated with the AOL Spam Filter categorize the new email as either “spam” or
12 “not spam.” The categorization is based at least in part on a comparison between the new
13 email and other emails that have been received by AOL Mail. The hardware and software
14 associated with the AOL Spam Filter have infringed and continue to infringe at least claims
15 39, 40, 43, 82, 83 and 86 of the '507 patent under 35 U.S.C. § 271.
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18 23. Defendant Apple has infringed and continues to infringe one or more claims
19 of the '507 patent under 35 U.S.C. § 271. Apple operates the Apple.com store, iTunes, App
20 Stores, and Apple TV systems, each of which provides content such as multimedia content,
21 applications, and/or product information to users. In order to help users find additional
22 content that may be of interest, the software and hardware that operate these systems
23 compare the available content items to determine whether they are related. When a user
24 views a particular content item, the Apple systems generate displays of related content items
25 so as to inform the user that the related items may be of interest. For example, as
26 demonstrated by Exhibit 7, when a user views a particular music album on iTunes, the
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1 iTunes system displays both the selected music album (identified by the red box) and links
2 to other related music items (identified by the green boxes). The hardware and software
3 associated with the Apple websites and systems identified above and any other Apple
4 websites and systems that perform this function infringe at least claims 20, 21, 22, 23, 24,
5 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80 of the '507 patent under 35
6 U.S.C. § 271.
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8 24. Defendant eBay has infringed and continues to infringe one or more claims
9 of the '507 patent under 35 U.S.C. § 271. eBay operates the eBay.com and Half.com
10 websites, which provide content such as product listings and advertisements to users. In
11 order to help users find additional content that may be of interest, the software and hardware
12 that operate these websites compare the available content items to determine whether they
13 are related. When a user views a particular content item, the eBay.com and Half.com
14 websites generate displays of related content items so as to inform the user that the related
15 items may be of interest. For example, as demonstrated by Exhibit 8, when a user views a
16 particular product listing on eBay.com, the eBay.com website displays both the selected
17 product information (identified by the orange box) and links to other related products
18 (identified by the green boxes). The hardware and software associated with the eBay
19 websites identified above and any other eBay websites that perform this function infringe at
20 least claims 20, 21, 22, 23, 24, 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80
21 of the '507 patent under 35 U.S.C. § 271.
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25 25. Defendant Facebook has infringed and continues to infringe one or more
26 claims of the '507 patent under 35 U.S.C. § 271. Facebook operates the Facebook.com
27 website, which provides content such as profile information, photos, event information, and
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1 messages to users. In order to help users find additional content that may be of interest, the
2 software and hardware that operate this website compare the available content items to
3 determine whether they are related. When a user views a particular content item, the
4 Facebook.com website generates a display of related content items so as to inform the user
5 that the related items may be of interest. For example, as demonstrated by Exhibit 9, when a
6 user views a particular photo page on Facebook.com, the Facebook.com website displays
7 both the selected photo information (identified by the red box) and links to other related
8 photos (identified by the green boxes). Another example of infringing functionality is
9 demonstrated by user profile pages, which display photos and profiles of other users that are
10 related to the profile being viewed. The hardware and software associated with the
11 Facebook.com website that perform this function infringe at least claims 20, 21, 22, 23, 24,
12 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80 of the '507 patent under 35
13 U.S.C. § 271.

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17 26. Defendant Google has infringed and continues to infringe one or more claims
18 of the '507 patent under 35 U.S.C. § 271. Google operates many websites that provide
19 articles, videos, advertisements, and other types of content to users. In order to help users
20 find additional content items that may be of interest, the software and hardware that operate
21 the websites compare the available content items to determine whether they are related.
22 When a user views a particular content item, the Google websites generate displays of
23 related content items so as to inform the user that the related content items may be of
24 interest. For example, as demonstrated by Exhibit 10, when a user views a particular piece
25 of financial information on the Google Finance website, the website displays both the
26 selected financial information (identified by the red box) and links to other related financial
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1 information, articles, and advertisements (identified by the green boxes). Similar
2 functionality is used by many websites that are owned and operated by Google, including
3 Boutiques.com, Google Products, Gmail, Google Books, Google Finance, Google Videos,
4 Google Knol, Google Groups, Google Desktop, Google Maps, Orkut, and Google Search.
5 Although the types of content (e.g., articles, videos, financial information, emails, product
6 information, advertisements, etc.) may vary from website to website, each website performs
7 the function described above—namely, comparing content items to determine whether they
8 are related and displaying those related content items. The hardware and software
9 associated with the Google websites identified above and any other Google websites that
10 perform this function infringe at least claims 20, 21, 22, 23, 24, 27, 28, 31, 34, 37, 38, 63,
11 64, 65, 66, 67, 70, 71, 74, 77, 80 and 81 of the '507 patent under 35 U.S.C. § 271.
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14 27. Defendant Google operates the Google AdSense and Google Display
15 Network systems that provide contextual advertisements to third party publishers. In order
16 to help users find advertisements that may be of interest, Google's hardware and software
17 compare the content on the third party publishers' websites to advertisements to determine
18 whether they are related. When a user views a particular content item on a third party
19 publisher's website, related Google advertisements are also provided to the user. For
20 example, as demonstrated by Exhibit 11, when a user views an article on the About.com
21 website (identified by the red box), the user also receives related Google advertisements
22 (identified by the green boxes). The hardware and software associated with the Google
23 AdSense and Google Display Network systems have infringed and continue to infringe at
24 least claims 20, 21, 22, 24, 27, 28, 31, 34, 37, 63, 64, 65, 67, 70, 71, 74, 77, and 80 of the
25 '507 patent under 35 U.S.C. § 271.
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1 28. Defendant Google operates the Gmail Spam Filter as part of its Gmail
2 website and service. When a new email is received by Gmail, the hardware and software
3 associated with the Gmail Spam Filter categorize the new email as either "spam" or "not
4 spam." The categorization is based at least in part on a comparison between the new email
5 and other emails that have been received by Gmail. The hardware and software associated
6 with the Gmail Spam Filter have infringed and continue to infringe at least claims 39, 40,
7 43, 82, 83 and 86 of the '507 patent under 35 U.S.C. § 271.
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9 29. Defendant Google operates an automated book classification system as part
10 of its Google Books website and service. When new book information is received by
11 Google, the hardware and software associated with the Google Books classification system
12 indexes and categorizes the book. The categorization is based at least in part on a
13 comparison between the new book information and information related to other books that
14 have been indexed and categorized by Google Books. The hardware and software
15 associated with the book classification system have infringed and continue to infringe at
16 least claims 39, 40, 43, 82, 83 and 86 of the '507 patent under 35 U.S.C. § 271.
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19 30. Defendant Netflix has infringed and continues to infringe one or more claims
20 of the '507 patent under 35 U.S.C. § 271. Netflix operates the Netflix.com website, which
21 provides content such as movie and television show information to users. In order to help
22 users find additional content that may be of interest, the software and hardware that operate
23 this website compare the available content items to determine whether they are related.
24 When a user views a particular content item, the Netflix.com website generates a display of
25 related content items so as to inform the user that the related items may be of interest. For
26 example, as demonstrated by Exhibit 12, when a user views a movie page on Netflix.com,
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1 the Netflix.com website displays both the selected movie information (identified by the red
2 box) and links to other related movies (identified by the green boxes). The hardware and
3 software associated with the Netflix.com website that perform this function infringe at least
4 claims 20, 21, 22, 23, 24, 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80 of the
5 '507 patent under 35 U.S.C. § 271.
6

7 31. Defendant Office Depot has infringed and continues to infringe one or more
8 claims of the '507 patent under 35 U.S.C. § 271. Office Depot operates websites such as
9 OfficeDepot.com and TechDepot.com that provide content such as product information to
10 users. In order to help users find additional content that may be of interest, the software and
11 hardware that operate these websites compare the available content items to determine
12 whether they are related. When a user views a particular content item, the Office Depot
13 websites generate displays of related content items so as to inform the user that the related
14 items may be of interest. For example, as demonstrated by Exhibit 13, when a user views a
15 product page on OfficeDepot.com, the OfficeDepot.com website displays both the selected
16 product information (identified by the red box) and links to other related products (identified
17 by the green boxes). The hardware and software associated with the Office Depot websites
18 identified above and any other Office Depot websites that perform this function infringe at
19 least claims 20, 21, 22, 23, 24, 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80
20 of the '507 patent under 35 U.S.C. § 271.
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24 32. Defendant OfficeMax has infringed and continues to infringe one or more
25 claims of the '507 patent under 35 U.S.C. § 271. OfficeMax operates websites such as
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1 OfficeMax.com¹ that provide content such as product information to users. In order to help
2 users find additional content that may be of interest, the software and hardware that operate
3 these websites compare the available content items to determine whether they are related.
4 When a user views a particular content item, the Office Depot websites generate displays of
5 related content items so as to inform the user that the related items may be of interest. For
6 example, as demonstrated by Exhibit 14, when a user views a product page on
7 OfficeMax.com, the OfficeMax.com website displays both the selected product information
8 (identified by the red box) and links to other related products (identified by the green boxes).
9
10 The hardware and software associated with the OfficeMax websites identified above and
11 any other OfficeMax websites that perform this function infringe at least claims 20, 21, 22,
12 23, 24, 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80 of the '507 patent under
13 35 U.S.C. § 271.
14

15 33. Defendant Staples has infringed and continues to infringe one or more claims
16 of the '507 patent under 35 U.S.C. § 271. Staples operates websites such as Staples.com²
17 that provide content such as product information to users. In order to help users find
18 additional content that may be of interest, the software and hardware that operate these
19 websites compare the available content items to determine whether they are related. When a
20 user views a particular content item, the Staples websites generate displays of related
21 content items so as to inform the user that the related items may be of interest. For example,
22 as demonstrated by Exhibit 15, when a user views a product page on Staples.com, the
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26 ¹ OfficeMax operates a number of websites that are not open to the general public, including
27 maxbuyer.officemax.com, government.officemax.com, and officemaxsolutions.com. To the extent other
28 OfficeMax websites comprise the accused functionality, they infringe the '507 patent as well.

1 Staples.com website displays both the selected product information (identified by the red
2 box) and links to other related products (identified by the green boxes). The hardware and
3 software associated with the Staples websites identified above and any other Staples
4 websites that perform this function infringe at least claims 20, 21, 22, 23, 24, 27, 28, 31, 34,
5 37, 63, 64, 65, 66, 67, 70, 71, 74, 77, and 80 of the '507 patent under 35 U.S.C. § 271.
6

7 34. Defendant Yahoo has infringed and continues to infringe one or more claims
8 of the '507 patent under 35 U.S.C. § 271. Yahoo operates many websites that provide
9 articles, videos, advertisements, and other types of content to users. In order to help users
10 find additional content items that may be of interest, the software and hardware that operate
11 the websites compare the available content items to determine whether they are related.
12 When a user views a particular content item, the Yahoo websites generate displays of related
13 content items so as to inform the user that the related content items may be of interest. For
14 example, as demonstrated by Exhibit 16, when a user views a particular article on the Yahoo
15 Finance website, the website displays both the article (identified by the red box) and related
16 stock information, advertisements, articles, blog posts, and message boards (identified by the
17 green boxes). Similar functionality is used by many websites that are owned and operated
18 by Yahoo, including Flickr, Hotjobs, Rivals, Yahoo Advertising, Yahoo Alerts, Yahoo
19 Auto, Yahoo Avatar, Yahoo Biz, Yahoo Bookmarks, Yahoo Buzz, Yahoo Education, Yahoo
20 Entertainment, Yahoo Events, Yahoo Finance, Yahoo Games, Yahoo Green, Yahoo Groups,
21 Yahoo Health, Yahoo Kids, Yahoo Lifestyle, Yahoo Maps, Yahoo Mail, Yahoo Mobile,
22 Yahoo Movies, Yahoo Music, My Yahoo, Yahoo News, Yahoo OMG!, Yahoo People,
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28 ² Staples operates a number of websites that are not open to the general public, including eway.com, stapleslink.com, and staples4government.com. To the extent other Staples websites comprise the accused functionality, they infringe the '507 patent as well.

1 Yahoo Pulse, Yahoo Real Estate, Yahoo Shine, Yahoo Shopping, Yahoo Small Business,
2 Yahoo Sports, Yahoo Travel, Yahoo TV, Yahoo Video, Yahoo Video Games, Yahoo
3 Weather, Yahoo Widgets, Yahoo Answers, and Yahoo Local. Although the types of content
4 (e.g., articles, videos, financial information, job postings, emails, product information,
5 advertisements, etc.) may vary from website to website, each website performs the function
6 described above—namely, comparing content items to determine whether they are related
7 and displaying those related content items. The hardware and software associated with the
8 Yahoo websites identified above and any other Yahoo websites that perform this function
9 infringe at least claims 20, 21, 22, 23, 24, 27, 28, 31, 34, 37, 63, 64, 65, 66, 67, 70, 71, 74,
10 77, and 80 of the '507 patent under 35 U.S.C. § 271.
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13 35. Defendant Yahoo operates the Content Match for Yahoo Search Marketing
14 and Yahoo Advertising Solutions systems that provide contextual advertisements to third
15 party publishers. In order to help users find advertisements that may be of interest, Yahoo
16 compares the content on the third party publishers' websites to advertisements to determine
17 whether they are related. When a user views a particular content item on a third party
18 publisher's website, related Yahoo advertisements are also provided to the user. For
19 example, as demonstrated by Exhibit 17, when a user views a product on the Buy.com
20 website (identified by the red box), the user also receives related Yahoo advertisements
21 (identified by the green box). The hardware and software associated with the Yahoo
22 Content Match and Yahoo Advertising Solutions systems have infringed and continue to
23 infringe at least claims 20, 21, 22, 24, 27, 28, 31, 34, 37, 63, 64, 65, 67, 70, 71, 74, 77, and
24 80 of the '507 patent under 35 U.S.C. § 271.
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1 36. Defendant Yahoo operates the Yahoo SpamGuard as part of its Yahoo Mail
2 website and service. When a new email is received by Yahoo Mail, the hardware and
3 software associated with the Yahoo SpamGuard categorize the new email as either "spam"
4 or "not spam." The categorization is based at least in part on a comparison between the new
5 email and other emails that have been received by Yahoo Mail. The hardware and software
6 associated with the Yahoo SpamGuard have infringed and continue to infringe at least
7 claims 39, 40, 43, 82, 83 and 86 of the '507 patent under 35 U.S.C. § 271.
8

9 37. Defendant YouTube has infringed and continues to infringe one or more
10 claims of the '507 patent under 35 U.S.C. § 271. YouTube operates the YouTube.com
11 website, which provides content such as videos and advertisements to users. In order to help
12 users find additional content that may be of interest, the software and hardware that operate
13 this website compare the available content items to determine whether they are related.
14 When a user views a particular content item, the YouTube.com website generates a display
15 of related content items so as to inform the user that the related items may be of interest.
16 For example, as demonstrated by Exhibit 18, when a user views a video page on
17 YouTube.com, the YouTube.com website displays both the selected video information
18 (identified by the red box) and links to other related videos and advertisements (identified by
19 the green boxes). The hardware and software associated with the YouTube.com website that
20 perform this function infringe at least claims 20, 21, 22, 23, 24, 27, 28, 31, 34, 37, 63, 64,
21 65, 66, 67, 70, 71, 74, 77, and 80 of the '507 patent under 35 U.S.C. § 271.
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25 38. Defendants AOL, Apple, eBay, Facebook, Google, Netflix, Office Depot,
26 OfficeMax, Staples, Yahoo, and YouTube's acts of infringement have caused damage to
27 Interval, and Interval is entitled to recover from Defendants the damages sustained by
28

1 Interval as a result of Defendants' wrongful acts in an amount subject to proof at trial.
2 Defendants' infringement of Interval's exclusive rights under the '507 patent will continue
3 to damage Interval, causing irreparable harm for which there is no adequate remedy at law,
4 unless enjoined by this Court. Interval reserves the right to allege, after discovery, that
5 Defendants' infringement is willful and deliberate, entitling Interval to increased damages
6 under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action
7 under 35 U.S.C. § 285.
8

9 **INFRINGEMENT OF U.S. PATENT NO. 6,034,652**

10 39. On March 7, 2000, United States Patent No. 6,034,652 ("the '652 patent")
11 was duly and legally issued for an invention entitled "Attention Manager for Occupying the
12 Peripheral Attention of a Person in the Vicinity of a Display Device." The '652 patent
13 describes an invention that enables information to be provided to a user in an unobtrusive
14 manner that does not distract the user from his primary interaction with an apparatus such
15 as, for example, a computer or television. The '652 patent is related to United States Patent
16 No. 6,788,314, which is described in further detail below. Interval was assigned the '652
17 patent and continues to hold all rights and interest in the '652 patent. A true and correct
18 copy of the '652 patent is attached hereto as Exhibit 3.
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21 40. Defendant AOL has infringed and continues to infringe at least claims 4, 5, 8,
22 11, 17, and 18 of the '652 patent under 35 U.S.C. § 271 by making, using, distributing, and
23 encouraging customers to use the AOL Instant Messenger and Lifestream software. The
24 AOL Instant Messenger software infringes by displaying information including, e.g., email
25 and "Buddy List" alerts, to a user in an unobtrusive manner that occupies the peripheral
26 attention of the user. For example, as demonstrated by Exhibit 19, when a buddy's status
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1 changes, the AOL Instant Messenger software displays a pop-up notification in the lower
2 right corner of the screen for a short period of time. As demonstrated in Exhibit 20, the
3 Lifestream software infringes by displaying information including, e.g., recent social
4 network and YouTube content, to a user in an unobtrusive manner that occupies the
5 peripheral attention of the user.

6
7 41. Defendant Apple has infringed and continues to infringe at least claims 4, 5,
8 8, 11, 15, 16, and 18 of the '652 patent under 35 U.S.C. § 271 by making, using, selling,
9 distributing, and encouraging customers to use computers containing Apple Dashboard and
10 the associated widgets software. Apple Dashboard and the associated widgets software
11 infringes by displaying information to a user in an unobtrusive manner that occupies the
12 peripheral attention of the user. For example, as demonstrated by Exhibit 21, Apple
13 Dashboard creates a transparent overlay that includes information such as weather and
14 sports scores. As described by Apple:

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16
17 With a single click, Dashboard appears, complete with widgets that bring you
18 a world of information — real-time weather, stock tickers, flight information,
19 and more — instantly. Dashboard disappears just as easily, so you can get
20 back to what you were doing.

21 <http://www.apple.com/macosx/what-is-macosx/apps-and-utilities.html>

22 42. Defendant Google has infringed and continues to infringe at least claims 4, 5,
23 8, 11, 15, 16, 17, and 18 of the '652 patent under 35 U.S.C. § 271 by making, using,
24 distributing, and encouraging customers to use the Gmail Notifier, Google Talk, and Google
25 Talk Labs Edition software. The Gmail Notifier, Google Talk, and Google Talk Labs
26 Edition software infringes by displaying information including, e.g., email and/or “friend”
27 status alerts, to a user in an unobtrusive manner that occupies the peripheral attention of the
28 user. For example, as demonstrated by Exhibit 22, when a user receives a new email, the

1 Google Talk Labs Edition software displays a pop-up notification in the lower right corner
2 of the screen for a short period of time.

3 43. Defendant Google has infringed and continues to infringe at least claims 4, 5,
4 6, 7, 8, 11, 15, 16, and 18 of the '652 patent under 35 U.S.C. § 271 by making, using,
5 distributing, and encouraging customers to use Google Desktop and the associated gadgets
6 software. Google Desktop and the associated gadgets software infringes by displaying
7 information to a user in an unobtrusive manner that occupies the peripheral attention of the
8 user. For example, as demonstrated by Exhibit 23, Google Desktop creates an unobtrusive
9 sidebar that includes information such as news, photos, stock quotes, and YouTube videos.
10

11 44. Defendant Google has infringed and continues to infringe at least claims 4, 8,
12 11, 15, 16, 17, and 18 of the '652 patent under 35 U.S.C. § 271 by making, using, selling,
13 distributing, and encouraging customers to use devices containing the Android Operating
14 System and associated software such as Text Messaging, Google Talk, Google Voice, and
15 Calendar. Devices containing the Android Operating System and associated software
16 infringe by displaying information including, e.g., text messages, Google Voice messages,
17 chat messages, and calendar events, to a user of a mobile device in an unobtrusive manner
18 that occupies the peripheral attention of the user. For example, as demonstrated by Exhibit
19 24, when a user receives a new Google Voice message, the Android Operating System and
20 Google Voice software display a notification in the status bar screen for a short period of
21 time.
22

23 45. Defendant Yahoo has infringed and continues to infringe at least claims 4, 5,
24 8, 11, 17, and 18 of the '652 patent under 35 U.S.C. § 271 by making, using, distributing,
25 and encouraging customers to use the Yahoo Messenger software. The Yahoo Messenger
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1 software infringes by displaying information including, e.g., email and/or “friend” status
2 alerts, to a user in an unobtrusive manner that occupies the peripheral attention of the user.
3 For example, as demonstrated by Exhibit 25, when a friend’s status changes, the Yahoo
4 Messenger software displays a pop-up notification in the lower right corner of the screen for
5 a short period of time.

6
7 46. Defendant Yahoo has infringed and continues to infringe at least claims 4, 5,
8 6, 8, 11, 15, 16, and 18 of the ’652 patent under 35 U.S.C. § 271 by making, using,
9 distributing, and encouraging customers to use Yahoo Widgets and the associated widgets
10 software. Yahoo Widgets and the associated widgets software infringes by displaying
11 information to a user in an unobtrusive manner that occupies the peripheral attention of the
12 user. For example, as demonstrated by Exhibit 26, Yahoo Widgets creates unobtrusive
13 sidebars that include information such as news, photos, stock quotes, and weather
14 information.
15

16
17 47. Defendant Yahoo has infringed and continues to infringe at least claims 4, 5,
18 and 15 of the ’652 patent under 35 U.S.C. § 271 by making, using, selling, distributing, and
19 encouraging customers to use Yahoo Connected TV and the associated widgets software.
20 Yahoo Connected TV and the associated widgets software infringes by displaying
21 information to a user in an unobtrusive manner that occupies the peripheral attention of the
22 user. For example, as demonstrated by Exhibit 27, Yahoo Connected TV and the Yahoo
23 News widget create an unobtrusive sidebar that displays recent news headlines.
24

25 48. Defendants AOL, Apple, Google, and Yahoo’s acts of infringement have
26 caused damage to Interval, and Interval is entitled to recover from Defendants the damages
27 sustained by Interval as a result of Defendants’ wrongful acts in an amount subject to proof
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1 at trial. Defendants' infringement of Interval's exclusive rights under the '652 patent will
2 continue to damage Interval, causing irreparable harm for which there is no adequate
3 remedy at law, unless enjoined by this Court. Interval reserves the right to allege, after
4 discovery, that Defendants' infringement is willful and deliberate, entitling Interval to
5 increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in
6 prosecuting this action under 35 U.S.C. § 285.
7

8 **INFRINGEMENT OF U.S. PATENT NO. 6,788,314**

9 49. On September 7, 2004, United States Patent No. 6,788,314 ("the '314
10 patent") was duly and legally issued for an invention entitled "Attention Manager for
11 Occupying the Peripheral Attention of a Person in the Vicinity of a Display Device." The
12 '314 patent, which is related to the '652 patent, also describes an invention that enables
13 information to be provided to a user in an unobtrusive manner that does not distract the user
14 from his primary interaction with an apparatus such as, for example, a computer or
15 television. Interval was assigned the '314 patent and continues to hold all rights and interest
16 in the '314 patent. A true and correct copy of the '314 patent is attached hereto as Exhibit 4.
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19 50. Defendant AOL has infringed and continues to infringe at least claims 1, 3, 7,
20 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using,
21 distributing, and encouraging customers to use the AOL Instant Messenger and Lifestream
22 software and by making and using the hardware and software that operate the AOL Instant
23 Messenger and Lifestream system infrastructure. AOL's infringement of the '314 patent
24 results from substantially the same activities as its infringement of the '652 patent, described
25 above in ¶ 40.
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1 51. Defendant Apple has infringed and continues to infringe at least claims 1, 3,
2 7, 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using, selling,
3 distributing, and encouraging customers to use computers containing Apple Dashboard and
4 the associated widgets software and by making and using the hardware and software that
5 operate the Apple Dashboard system infrastructure. Apple's infringement of the '314 patent
6 results from substantially the same activities as its infringement of the '652 patent, described
7 above in ¶ 41.
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9 52. Defendant Google has infringed and continues to infringe at least claims 1, 3,
10 7, 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using,
11 distributing, and encouraging customers to use Google Talk, and Google Talk Labs Edition
12 software and by making and using the hardware and software that operate the Google Talk
13 and Google Talk Labs Edition system infrastructure. Google's infringement of the '314
14 patent that relates to Google Talk and Google Talk Labs Edition results from substantially
15 the same activities as its infringement of the '652 patent, described above in ¶ 42.
16
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18 53. Defendant Google has infringed and continues to infringe at least claims 1, 3,
19 7, 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using,
20 distributing, and encouraging customers to use Google Desktop and the associated gadgets
21 software and by making and using the hardware and software that operate the Google
22 Desktop infrastructure. Google's infringement of the '314 patent that relates to Google
23 Desktop results from substantially the same activities as its infringement of the '652 patent,
24 described above in ¶ 43.
25

26 54. Defendant Google has infringed and continues to infringe at least claims 1, 3,
27 7, 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using, selling,
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1 distributing, and encouraging customers to use devices containing the Android Operating
2 System and associated software such as Text Messaging, Google Talk, Google Voice, and
3 Calendar, and by making and using the hardware and software that operate the Android and
4 Android Market infrastructure. Google's infringement of the '314 patent that relates to
5 Android results from substantially the same activities as its infringement of the '652 patent,
6 described above in ¶ 44.
7

8 55. Defendant Yahoo has infringed and continues to infringe at least claims 1, 3,
9 7, 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using,
10 distributing, and encouraging customers to use the Yahoo Messenger software and by
11 making and using the hardware and software that operate the Yahoo Messenger
12 infrastructure. Yahoo's infringement of the '314 patent that relates to Yahoo Messenger
13 results from substantially the same activities as its infringement of the '652 patent, described
14 above in ¶ 45.
15

16 56. Defendant Yahoo has infringed and continues to infringe at least claims 1, 3,
17 7, 9, 10, 12, 13, and 15 of the '314 patent under 35 U.S.C. § 271 by making, using,
18 distributing, and encouraging customers to use Yahoo Widgets and the associated widgets
19 software and by making and using the hardware and software that operate the Yahoo
20 Widgets infrastructure. Yahoo's infringement of the '314 patent that relates to Yahoo
21 Widgets results from substantially the same activities as its infringement of the '652 patent,
22 described above in ¶ 46.
23

24 57. Defendant Yahoo has infringed and continues to infringe at least claims 1, 2,
25 3, 4, 7, 8, 10, 11, 13, and 14 of the '314 patent under 35 U.S.C. § 271 by making, using,
26 selling, distributing, and encouraging customers to use Yahoo Connected TV and the
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1 associated widgets software and by making and using the hardware and software that
2 operate the Yahoo Connected TV infrastructure. Yahoo's infringement of the '314 patent
3 that relates to Yahoo Connected TV results from substantially the same activities as its
4 infringement of the '652 patent, described above in ¶ 47.

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6 58. Defendants AOL, Apple, Google, and Yahoo's acts of infringement have
7 caused damage to Interval, and Interval is entitled to recover from Defendants the damages
8 sustained by Interval as a result of Defendants' wrongful acts in an amount subject to proof
9 at trial. Defendants' infringement of Interval's exclusive rights under the '314 patent will
10 continue to damage Interval, causing irreparable harm for which there is no adequate
11 remedy at law, unless enjoined by this Court. Interval reserves the right to allege, after
12 discovery, that Defendants' infringement is willful and deliberate, entitling Interval to
13 increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in
14 prosecuting this action under 35 U.S.C. § 285.

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17 **INFRINGEMENT OF U.S. PATENT NO. 6,757,682**

18 59. On June 29, 2004, United States Patent No. 6,757,682 ("the '682 patent")
19 was duly and legally issued for an invention entitled "Alerting Users to Items of Current
20 Interest." The '682 patent describes a system that receives indications from users that online
21 content is of current interest, processes the indications, and alerts other users of the
22 interesting content. Interval was assigned the '682 patent and continues to hold all rights
23 and interest in the '682 patent. A true and correct copy of the '682 patent is attached hereto
24 as Exhibit 5.

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27 60. Defendant AOL has infringed and continues to infringe one or more claims
28 of the '682 patent under 35 U.S.C. § 271. AOL operates the AOL Shopping website, which

1 provides product recommendations to users. The determination of which products are to be
2 recommended is based at least in part on other users' activities, including, for example,
3 viewing, rating, reviewing, sharing, or buying products. For example, as demonstrated by
4 Exhibit 28, the AOL Shopping website alerts users of products that they might also like.
5 Exhibit 28 also demonstrates how users may perform activities (e.g., reviewing, rating or
6 purchasing products) that can be used to generate recommendations for other users. The
7 hardware and software associated with the AOL Shopping website that perform this function
8 infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 20 of the '682 patent
9 under 35 U.S.C. § 271.
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11
12 61. Defendant Apple has infringed and continues to infringe one or more claims
13 of the '682 patent under 35 U.S.C. § 271. Apple operates iTunes, the App Stores, and Apple
14 TV, each of which provides content recommendations to users. The determination of which
15 content is to be recommended is based at least in part on other users' activities, including,
16 for example, viewing, rating, reviewing, or purchasing content items. For example, as
17 demonstrated by Exhibit 29, iTunes alerts users of content items that "Viewers Also
18 Bought." Exhibit 29 also demonstrates how users may perform activities (e.g., reviewing,
19 rating, buying, or renting content items) that can be used to generate recommendations for
20 other users. The hardware and software associated with iTunes, the App Stores, and Apple
21 TV that perform this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16,
22 17, and 20 of the '682 patent under 35 U.S.C. § 271.
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25 62. Apple operates iTunes Ping, which alerts users of content and activity within
26 iTunes and the Ping community. The determination of which content and activity is to be
27 provided to the user is based at least in part on the other users' activities, including, for
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1 example, posting content or “liking” or commenting on content or activity. For example, as
2 demonstrated by Exhibit 30, Ping alerts users of some of the available content or activity
3 within the Ping community via the “Recent Activity” feed. Exhibit 30 also demonstrates
4 how users may perform activities (e.g., posting, “liking,” or commenting) that can be used to
5 determine which content and activity appears in the “Recent Activity” feeds of other users.
6
7 The hardware and software associated with Ping that perform this function infringe at least
8 claims 1, 2, 3, 4, 5, 7, 8, 9, 16, 17, and 20 of the ’682 patent under 35 U.S.C. § 271.

9 63. Defendant eBay has infringed and continues to infringe one or more claims
10 of the ’682 patent under 35 U.S.C. § 271. eBay operates the eBay.com and Half.com
11 websites, which provides product recommendations to users. The determination of which
12 products are to be recommended is based at least in part on other users’ activities, including,
13 for example, viewing, “watching,” rating, or buying products, or reviewing sellers. For
14 example, as demonstrated by Exhibit 31, the eBay.com website alerts users of products that
15 they may also be interested by putting the products in the “Check out the most watched”
16 section. Exhibit 31 also demonstrates how users may perform activities (e.g., buying or
17 “watching” items) that can be used to generate recommendations for other users. The
18 hardware and software associated with the eBay websites identified above and any other
19 eBay websites that perform this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11,
20 12, 13, 16, 17, and 20 of the ’682 patent under 35 U.S.C. § 271.

24 64. Defendant Facebook has infringed and continues to infringe one or more
25 claims of the ’682 patent under 35 U.S.C. § 271. Facebook operates the Facebook.com
26 website, which alerts users of content and activity of other Facebook users. The
27 determination of which content and activity is to be provided to the user is based at least in
28

1 part on the other users' activities including, for example, sharing content or "liking" or
2 commenting on content or activity. For example, as demonstrated by Exhibit 32, Facebook
3 alerts users of some of the available content via the "News Feed." Exhibit 32 also
4 demonstrates how users may perform activities (e.g., sharing, "liking," or commenting) that
5 can be used to determine which content and activity appears in the "News Feeds" of other
6 users. The Facebook.com website also alerts users of other users with whom they may wish
7 to become friends. The determination of which users to recommend is based at least in part
8 on the other users' activities including, for example, befriending users, joining networks,
9 and providing profile information. The hardware and software associated with the
10 Facebook.com website that perform the above-described functions infringe at least claims 1,
11 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 20 of the '682 patent under 35 U.S.C. § 271.
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14 65. Defendant Google has infringed and continues to infringe one or more claims
15 of the '682 patent under 35 U.S.C. § 271. Google operates multiple websites that
16 recommend content such as blogs, news stories, products, and articles, to users. The
17 determination of which content is to be recommended is based at least in part on other users'
18 activities, including, for example, viewing, "starring," sharing, or commenting on the
19 content. For example, as demonstrated by Exhibit 33, the Google Reader website alerts
20 users of online articles or blog postings that they may be interested in. Exhibit 33 also
21 demonstrates how users may perform activities (e.g., "starring," "liking," or sharing) that
22 can be used to generate recommendations for other users. Similar functionality is used by
23 many websites that are owned and operated by Google, including Google Blog Search,
24 Google Knol, Google News, and Google Products. Although the types of content (e.g.,
25 blogs, Knol articles, news articles, and products, etc.) and the types of user activities that are
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1 used to generate alerts (e.g., viewing, “starring,” “liking,” etc.) may vary from website to
2 website, each website performs the function described above. The hardware and software
3 associated with the Google websites identified above and any other Google websites that
4 perform this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17,
5 and 20 of the ’682 patent under 35 U.S.C. § 271.
6

7 66. Google operates the Google Buzz system, which alerts users of content and
8 activity of other Google Buzz users. The determination of which content and activity is to
9 be provided to the user is based at least in part on the other users’ activities including, for
10 example, sharing content or “liking” or commenting on content or activity. For example, as
11 demonstrated by Exhibit 34, Google alerts users of some of the available content via the
12 Buzz feed. Exhibit 34 also demonstrates how users may perform activities (e.g., sharing,
13 “liking,” or commenting) that can be used to determine which content and activity appears
14 in the Buzz feeds of other users. The hardware and software associated with the Google
15 Buzz system that perform the above-described functions infringe at least claims 1, 2, 3, 4, 5,
16 7, 8, 16, 17, and 20 of the ’682 patent under 35 U.S.C. § 271.
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19 67. Google operates the Orkut.com website, which alerts users of other users
20 with whom they may wish to become friends. The determination of which users to
21 recommend is based at least in part on the other users’ activities including, for example,
22 befriending users, joining communities, and updating profile information. The hardware
23 and software associated with the Orkut.com website that perform the above-described
24 functions infringe at least claims 1, 2, 3, 4, 5, 7, 8, 16, 17, and 20 of the ’682 patent under 35
25 U.S.C. § 271.
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1 68. Defendant Netflix has infringed and continues to infringe one or more claims
2 of the '682 patent under 35 U.S.C. § 271. Netflix operates the Netflix.com website, which
3 provides movie and television show recommendations to users. The determination of which
4 media items are to be recommended is based at least in part on other users' activities,
5 including, for example, viewing, "watching," or buying products, or reviewing sellers. For
6 example, as demonstrated by Exhibit 35, the Netflix.com website alerts users of movies and
7 television shows that they may also be interested by putting the products in the "Movie's
8 You'll ♥" section. Exhibit 35 also demonstrates how users may perform activities (e.g.,
9 watching, rating, or selecting "not interested") that can be used to generate
10 recommendations for other users. The hardware and software associated with the
11 Netflix.com website that perform this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9,
12 11, 12, 13, 16, 17, and 20 of the '682 patent under 35 U.S.C. § 271.
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15 69. Defendant Office Depot has infringed and continues to infringe one or more
16 claims of the '682 patent under 35 U.S.C. § 271. Office Depot operates the
17 OfficeDepot.com and TechDepot.com websites, which provide product recommendations to
18 users. The determination of which products are to be recommended is based at least in part
19 on other users' activities, including, for example, viewing, rating, reviewing, or buying
20 products. For example, as demonstrated by Exhibit 36, the OfficeDepot.com website alerts
21 users of products that they may also be interested in. Exhibit 36 also demonstrates how
22 users may perform activities (e.g., reviewing or adding products to their shopping carts or
23 shopping lists) that can be used to generate recommendations for other users. The hardware
24 and software associated with the Office Depot websites identified above and any other
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1 Office Depot websites that perform this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8,
2 9, 11, 12, 13, 16, 17, and 20 of the '682 patent under 35 U.S.C. § 271.

3 70. Defendant OfficeMax has infringed and continues to infringe one or more
4 claims of the '682 patent under 35 U.S.C. § 271. OfficeMax operates websites such as
5 OfficeMax.com,³ which provides product recommendations to users. The determination of
6 which products are to be recommended is based at least in part on other users' activities,
7 including, for example, viewing, rating, reviewing, or buying products. For example, as
8 demonstrated by Exhibit 37, the OfficeMax.com website alerts users of products that they
9 may also be interested in. Exhibit 37 also demonstrates how users may perform activities
10 (e.g., reviewing or adding products to their shopping carts or "Favorites") that can be used to
11 generate recommendations for other users. The hardware and software associated with the
12 OfficeMax websites identified above and any other OfficeMax websites that perform this
13 function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 20 of the '682
14 patent under 35 U.S.C. § 271.

15 71. Defendant Staples has infringed and continues to infringe one or more claims
16 of the '682 patent under 35 U.S.C. § 271. Staples operates websites such as Staples.com,⁴
17 which provides product recommendations to users. The determination of which products are
18 to be recommended is based at least in part on other users' activities, including, for example,
19 viewing, rating, reviewing, or buying products. For example, as demonstrated by Exhibit
20 38, the Staples.com website alerts users of products that they may also be interested in.
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26 ³ OfficeMax operates a number of websites that are not open to the general public, including
27 maxbuyer.officemax.com, government.officemax.com, and officemaxsolutions.com. To the extent other
28 OfficeMax websites comprise the accused functionality, they infringe the '682 patent as well.

1 Exhibit 38 also demonstrates how users may perform activities (e.g., reviewing or adding
2 products to their shopping carts or “Favorites”) that can be used to generate
3 recommendations for other users. The hardware and software associated with the Staples
4 websites identified above and any other Staples websites that perform this function infringe
5 at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 20 of the ’682 patent under 35
6 U.S.C. § 271.
7

8 72. Defendant Yahoo has infringed and continues to infringe one or more claims
9 of the ’682 patent under 35 U.S.C. § 271. Yahoo operates multiple websites that
10 recommend content such as products, articles, blog posts, photos, and music to users. The
11 determination of which content is to be recommended is based at least in part on other users’
12 activities, including, for example, viewing, sharing, rating, or commenting on the content.
13 For example, as demonstrated by Exhibit 39, the Yahoo Buzz website alerts users of online
14 articles or blog postings that they may be interested in by identifying them as “Top Buzz.”
15 Exhibit 39 also demonstrates how users may perform activities (e.g., “Buzzing up” or
16 “Buzzing down”) that can be used to generate recommendations for other users. Similar
17 functionality is used by many websites that are owned and operated by Yahoo, including
18 Delicious, Flickr, Yahoo Shopping, Yahoo Music, and Yahoo Answers. Although the types
19 of content (e.g., articles, blog posts, photos, product information, music, etc.) and the types
20 of user activities that are used to generate alerts (e.g., viewing, sharing, commenting, rating,
21 etc.) may vary from website to website, each website performs the function described above.
22 The hardware and software associated with the Yahoo websites identified above and any
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28 ⁴ Staples operates a number of websites that are not open to the general public, including *eway.com*,
stapleslink.com, and *staples4government.com*. To the extent other Staples websites comprise the accused
functionality, they infringe the ’682 patent as well.

1 other Yahoo websites that perform this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8,
2 9, 10, 11, 12, 13, 16, 17, and 20 of the '682 patent under 35 U.S.C. § 271.

3 73. Defendant YouTube has infringed and continues to infringe one or more
4 claims of the '682 patent under 35 U.S.C. § 271. YouTube operates the YouTube.com
5 website, which provides video recommendations to users. The determination of which
6 videos are to be recommended is based at least in part on other users' activities, including,
7 for example, viewing, "liking," sharing, or commenting on videos. For example, as
8 demonstrated by Exhibit 40, the YouTube.com website alerts users of videos that they may
9 also be interested by putting the products in the "Suggestions" section. Exhibit 40 also
10 demonstrates how users may perform activities (e.g., "liking," sharing, commenting, or
11 adding a video to their "favorites") that can be used to generate recommendations for other
12 users. The hardware and software associated with the YouTube.com website that perform
13 this function infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 20 of the
14 '682 patent under 35 U.S.C. § 271.

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18 74. Defendants AOL, Apple, eBay, Facebook, Google, Netflix, Office Depot,
19 OfficeMax, Staples, Yahoo, and YouTube's acts of infringement have caused damage to
20 Interval, and Interval is entitled to recover from Defendants the damages sustained by
21 Interval as a result of Defendants' wrongful acts in an amount subject to proof at trial.
22 Defendants' infringement of Interval's exclusive rights under the '682 patent will continue
23 to damage Interval, causing irreparable harm for which there is no adequate remedy at law,
24 unless enjoined by this Court. Interval reserves the right to allege, after discovery, that
25 Defendants' infringement is willful and deliberate, entitling Interval to increased damages
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1 under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action
2 under 35 U.S.C. § 285.

3 **JURY DEMAND**

4 75. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Interval
5 respectfully requests a trial by jury on all issues properly triable by jury.
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff Interval Licensing LLC requests entry of judgment in its
9 favor and against Defendants as follows:

10 a) Declaration that (1) Defendants AOL, Apple, eBay, Facebook, Google,
11 Netflix, Office Depot, OfficeMax, Staples, Yahoo, and YouTube have infringed, directly
12 and/or indirectly, U.S. Patent No. 6,263,507; (2) Defendants AOL, Apple, eBay, Facebook,
13 Google, Netflix, Office Depot, OfficeMax, Staples, Yahoo, and YouTube have infringed,
14 directly and/or indirectly, U.S. Patent No. 6,757,682; and (3) Defendants AOL, Apple,
15 Google, and Yahoo have infringed, directly and/or indirectly, U.S. Patent Nos. 6,034,652
16 and 6,788,314.
17

18 b) Awarding the damages arising out of (1) Defendants' AOL, Apple, eBay,
19 Facebook, Google, Netflix, Office Depot, OfficeMax, Staples, Yahoo, and YouTube's
20 infringement of U.S. Patent No. 6,263,507; (2) Defendants' AOL, Apple, eBay, Facebook,
21 Google, Netflix, Office Depot, OfficeMax, Staples, Yahoo, and YouTube's infringement of
22 U.S. Patent No. 6,757,682; and (3) Defendants' AOL, Apple, Google, and Yahoo's
23 infringement of U.S. Patent Nos. 6,034,652 and 6,788,314, to Interval, together with
24 prejudgment and post-judgment interest, in an amount according to proof;
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1 c) Permanently enjoining Defendants and their respective officers, agents,
2 employees, and those acting in privity with them, from further infringement, including
3 contributory infringement and/or inducing infringement, of U.S. Patent Nos. 6,263,507,
4 6,034,652, 6,788,314, and 6,757,682, or in the alternative, awarding a royalty for post-
5 judgment infringement;
6

7 d) Awarding attorney's fees pursuant to 35 U.S.C. § 285 or as otherwise
8 permitted by law; and

9 e) Awarding such other costs and further relief as the Court may deem just and
10 proper.
11

12
13 Dated: December 28, 2010

/s/ Justin A. Nelson

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