

ORIGINAL

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11 Attorneys for Plaintiff  
12 HIPMUNK, INC.

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 **CV 12 3409**

17 Case No. \_\_\_\_\_

18 HIPMUNK, INC.,  
19 a Delaware corporation,

20 Plaintiff,

21 v.

22 I2Z TECHNOLOGY, LLC,  
23 a Texas limited liability company,

24 Defendant.

25 **COMPLAINT FOR  
26 DECLARATORY JUDGMENT**

27 **JURY TRIAL DEMANDED**

28 Hipmunk, Inc. hereby alleges for its complaint against defendant i2z Technology, LLC  
on personal knowledge as to its own activities and on information and belief as to the activities  
of others, as follows:

**THE PARTIES**

1. Plaintiff Hipmunk, Inc. ("Hipmunk") is a corporation organized and existing  
under the laws of Delaware, with its principal place of business at 36 Clyde Street,  
San Francisco, California 94107. Hipmunk is a start-up company that created a travel search  
engine to reinvent the way people search for flights and hotels online. Hipmunk's travel search

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1 site aims to take the agony out of travel planning by eliminating pages of irrelevant search  
2 results. Flight results are presented in a visual timeline that allows people to select the best flight  
3 at a glance. Hotel results are shown on a map so that people can view where in a destination  
4 they will be staying and the landmarks nearby.

5 2. Hipmunk launched in 2010 and recently closed its Series B round of funding. As  
6 for what the company intends to do with the funding, Adam Goldstein, Hipmunk's CEO, says he  
7 plans to hire in engineering, business development, and marketing. One of Hipmunk's investors  
8 told MarketWatch: "At IVP, we seek to invest in companies with superior technology and  
9 innovative products targeting large markets . . . . Hipmunk is exactly that type of company.  
10 They have a brilliant, energetic management team that is developing fantastic new services for  
11 travelers around the world."

12 3. Hipmunk is one of TIME Magazine's "50 Coolest Websites," TIME Magazine's  
13 "50 Best Smartphone Apps," Travel + Leisure's "Best Websites of 2011," Budget Travel's "Top  
14 10 Most Useful Websites," and Inc.'s "Best Booking Website." Co-founders Adam Goldstein  
15 and Steve Huffman were named to Bloomberg BusinessWeek's "Top Tech Entrepreneurs,"  
16 Forbes "30 Under 30," Inc.'s "30 Under 30" lists, and was featured in a June 2012 article in  
17 Forbes entitled "Why Hipmunk Is The World's Best Travel Site." That article explains that,  
18 despite its technical superiority, according to comScore, Expedia had 20 million U.S. visitors in  
19 May 2012, and Hipmunk had 274,000.

20 4. Perhaps a victim of its own success, this is the second threat by a non-practicing  
21 entity the young company has seen this year. The patent that is the subject of this declaratory  
22 judgment action, like the previous one, bears no relevance to Hipmunk's technology. Though its  
23 funding is intended for innovation, Hipmunk elects to defend its technology rather than spend its  
24 hard-earned venture capital funding paying for a license it does not need.

25 5. Defendant i2z Technology, LLC ("i2z") is a Texas limited liability company with  
26 its principal place of business at 3301 West Marshall Avenue, Suite 302, Longview, Texas  
27 75604. i2z is a non-practicing entity to whom United States Patent No. 5,345,551 ("the '551  
28 patent") was assigned on or around July 29, 2011, such assignment having been recorded with

1 the United States Patent and Trademark Office on November 22, 2011, around the time i2z  
2 began the below-described litigation campaign.

3 6. i2z's President, Rakesh Ramde, is a California attorney living in the Northern  
4 District of California. Mr. Ramde's LinkedIn profile states that he is also a Director at Unifi  
5 Scientific Advances, owner of another non-practicing entity currently in litigation in the  
6 Northern District of California.

### 7 INTRADISTRICT ASSIGNMENT

8 7. Pursuant to Civil Local Rule 3-2(c), this is an Intellectual Property Action to be  
9 assigned on a district-wide basis.

### 10 BACKGROUND

11 8. The '551 patent is entitled Method and System for Synchronization of  
12 Simultaneous Displays of Related Data Sources. The '551 patent states that it issued on  
13 September 6, 1994. It expires on November 9, 2012. A true and correct copy of the '551 patent  
14 is attached hereto as Exhibit A.

15 9. On September 13, 2011, i2z filed a lawsuit against CityGrid Media LLC (d/b/a  
16 Citysearch.com), HotPads, Inc., AOL Inc. (d/b/a Mapquest), Property Maps, Inc., RM  
17 Acquisition, LLC, Move, Inc. (d/b/a Realtor.com), Redfin Corporation, Travelocity.com LP,  
18 Trip Advisor LLC, Trulia, Inc., WebMD, LLC, Yahoo! Inc., Yelp, Inc., Kayak Software  
19 Corporation, Zagat Survey, LLC, and Google Inc. in the United States District Court for the  
20 District of Delaware alleging ownership of the '551 patent and infringement of the '551 patent  
21 by the named defendants.

22 10. On September 14, i2z filed a lawsuit against Microsoft Corporation (d/b/a  
23 Bing.com), Toeat.com LLC, Zillow, Inc., and Google Inc. in the United States District Court for  
24 the District of Oregon alleging ownership of the '551 patent and infringement of the '551 patent  
25 by the named defendants.

26 11. On September 15, 2011, i2z filed a lawsuit against Hotels.com LP in the United  
27 States District Court for the Northern District of Texas alleging ownership of the '551 patent and  
28 infringement of the '551 patent by the named defendant.



1 claim of the '551 patent, either directly or indirectly, either literally or under the doctrine of  
2 equivalents. By way of example only, i2z asserts that Hipmunk infringes claim 1 of the '551  
3 patent which contains limitations directed towards a "first and second window," and Hipmunk's  
4 displays are within a single window, not multiple windows. Accordingly, Hipmunk does not  
5 need a license to the '551 patent, and it has a right to continue to providing products and services  
6 on its travel search site without a license to or interference from i2z's '551 patent.

7 19. Accordingly, an actual, valid, and justiciable controversy has arisen and exists  
8 between Hipmunk and i2z. Hipmunk desires a prompt and definitive judicial determination and  
9 declaration that its products do not infringe any valid claim of the '551 patent. Such a  
10 determination and declaration are necessary and appropriate at this time in order that the parties  
11 may ascertain their respective rights and duties.

12 **SECOND CAUSE OF ACTION**  
13 **(Declaratory Judgment of Invalidity of U.S. Patent No. 5,345,551)**

14 20. Hipmunk repeats and realleges each and every allegation set forth in paragraphs 1  
15 through 19, inclusive, and incorporates them by reference herein.

16 21. Because i2z contends that Hipmunk is infringing the '551 patent and needs to  
17 license the '551 patent, it follows that i2z believes the '551 patent is valid and infringed by  
18 Hipmunk. As a result of the totality of the circumstances between the parties discussed above,  
19 Hipmunk believes that i2z intends to sue Hipmunk for infringement of the '551 patent.

20 22. Hipmunk contends that the '551 patent is invalid because it fails to satisfy the  
21 conditions and requirements for patentability as set forth, *inter alia*, in Sections 101, 102, 103,  
22 and/or 112 of Title 35 of the United States Code. By way of example only, the claims of the  
23 '551 patent are invalid over U.S. Patent Nos. 4,428,065 (Duvall), 5,091,876 (Kumano), and  
24 5,051,930 (Kuwabara) combined with the knowledge of an ordinary person skilled in the art.

25 23. On at least the basis that it believes the '551 patent is invalid, Hipmunk does not  
26 need a license to the '551 patent, and it has a right to continue providing products and services  
27 on its travel search site without a license to or interference from i2z's '551 patent.

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**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38 and Civil Local Rule 3-6(a), Hipmunk hereby demands a jury trial of all issues triable by a jury.

Dated: July 2, 2012

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
Stefani E. Shanberg

Attorneys for Plaintiff  
HIPMUNK, INC.