

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
(MARSHALL DIVISION)**

DDR HOLDINGS, LLC,	)	Civil Action No. 2:13-cv-646
Plaintiff,	)	
	)	<b>COMPLAINT</b>
vs.	)	(Related to Civil Action
	)	No. 2-06-CV-00042 (JRG))
WORLD TRAVEL HOLDINGS, INC.,	)	
Defendant.	)	
<hr style="width:45%; margin-left:0"/>		) JURY

DDR Holdings, LLC ("DDR") alleges:

1. DDR is a Georgia limited liability company with its principal place of business in Dunwoody, Georgia. DDR is in the business of developing, managing, and licensing intellectual property for syndicated e-commerce, including related patents and other intellectual property.

2. DDR owns all right, title, and interest in U.S. Patent 6,993,572, issued January 31, 2006, U.S. Patent 7,818,399, issued October 19, 2010, and U.S. Patent 8,515,825, issued August 20, 2013 (today), including the right to sue for any patent infringement.

3. Daniel D. Ross is the managing director of DDR and a co-inventor of the patents-in-suit here.

4. In the late 1990s, Mr. Ross founded a company called Nexchange Corporation to commercialize inventions in the patents (then an application). By 2000, Nexchange had arranged a network of content websites that reached over half of all U.S. Internet users and over forty brand-name merchants offered goods or services over the Nexchange network. However, Nexchange began winding down its services in late 2000. In 2003, Mr. Ross acquired the rights to the patent properties for valuable consideration from Nexchange and assigned those rights to a company he formed, DDR. DDR owns all the patents listed in paragraph 2 above.

5. Defendant World Travel Holdings, Inc. ("WTH") is a Delaware corporation and a global online travel company headquartered in Woburn, Massachusetts. In January 2006, DDR sued National Leisure Group, Inc., a company that WTH acquired later in 2006, for infringing the '572 Patent and its parent patent. DDR's suit was in this district, Civil Action No. 2-06-CV-00042. In late 2010, DDR amended that lawsuit to add the '399 Patent, and in 2011 named defendant WTH as a co-defendant in that lawsuit.

6. The lawsuit against NLG and WTH proceeded to trial in October 2012 in Marshall, Texas. At trial, DDR presented evidence that DDR alleged constituted infringement of the '572 and '399 Patents by NLG and WTH through its activities in connection with its activities for nine customers. NLG/WTH chose to present at trial no evidence alleging that the '572 and '399 Patents were invalid but adopted the arguments of its co-defendant, Digital River, Inc., alleging that certain claims of the '572 Patent were invalid.

7. The jury, by verdict rendered on October 12, 2012, found that NLG/WTH had infringed claims 13, 17, and 20 of the '572 Patent and claims 1, 3, and 19 of the '399 Patent and awarded DDR a judgment of \$750,000 for compensation for NLG/WTH's infringement through the time of trial. The jury further found that defendants had not proven by clear and convincing evidence that the above-listed claims of the '572 Patent were invalid.

8. After trial, NLG/WTH moved for judgment as a matter of law on various grounds, including non-infringement and damages, and also including invalidity of the above-listed claims of both the '572 and '399 Patents as claiming unpatentable subject matter under 35 U.S.C. § 101 and indefinite under 35 U.S.C. §112. The Court denied NLG/WTH's motions in their entirety and entered judgment on June 20, 2013, in the amount of \$1,061,960.70 (the compensation for infringement, plus pre-judgment interest through trial, plus post-judgment interest through the date of judgment).

9. WTH has continued to infringe claims 13, 17, and 20 of the '572 Patent and claims 1, 3, and 19 of the '399 Patent since the date of the jury verdict with respect to at least five of the nine customers, including the three largest, as to which the jury found WTH's activities infringing DDR's patents.

10. WTH's activities with respect to at least the customers referenced in paragraph 9 also infringe the newly issued '825 Patent from today's date.

11. WTH also is infringing claims 13, 17, and 20 of the '572 Patent, claims 1, 3, and 19 of the '399 Patent, and certain claims of the '825 Patent with respect to other of its customers.

12. For example, publicly accessible over the Internet is a web page located at "cruises.priceline.com" that is, upon information and belief, operated and controlled by WTH. WTH's website is available to Internet users in the State of Texas and in this district. Through that website, WTH has provided services to customers in this district and facilitated the sales of goods and services of WTH's customer, Priceline.com Incorporated, to a large number of residents of this district. In connection with operation of that website, WTH infringes the above-listed patents and patent claims.

13. Upon information and belief, WTH has earned tens of millions of dollars from transactions having connection with the United States effectuated through the Internet, through operation of the above-referenced and other infringing websites.

14. The '825 Patent issued after the Patent Office was made aware, *inter alia*, of the existence of the lawsuit and trial referenced above, the arguments made by defendants of invalidity, including specifically WTH's arguments with respect to alleged invalidity for unpatentable subject matter under 35 U.S.C. §101 and indefinite under 35 U.S.C. §112, and the Court's judgment.

15. WTH has infringed the patents and claims listed in paragraph 11 above, whether directly, literally, through the doctrine of equivalents, or by inducing or contributing to infringement by others, including its customers.

16. WTH's infringement for which DDR seeks compensation is from October 13, 2012, for the above-listed claims of the '572 and '399 Patents, and from the date of this Complaint for the '825 Patent.

17. This Court has subject-matter jurisdiction over this case under, at least, 35 U.S.C. § 281 and 28 U.S.C. §§ 1331, 1332, 1338, 2201, and 2202.

18. This Court has personal jurisdiction over WTH under, at least, Tex. Civ. Prac. & Rem. Code § 17.042.

19. This District is a proper venue to resolve this case under, at least, 28 U.S.C. §§ 1391 and 1400.

20. Notwithstanding awareness of DDR's patent rights, and notwithstanding the judgment against WTH holding the '572 and '399 Patents infringed and not invalid, WTH has continued activities falling within the scope of at least one claim of the patents-in-suit, without a justifiable basis for believing that the claims are invalid or not infringed. Accordingly, WTH's patent infringement is willful.

WHEREFORE, DDR respectfully requests:

A. Damages to compensate for infringement but no less than a reasonable royalty for use made by WTH of the patented invention under 35 U.S.C. § 284, first paragraph, on account of infringement for the time periods stated in paragraph 16 through the time of award.

B. A declaration that defendants' activities infringe the above-listed patent claims under 35 U.S.C. § 271.

C. An increase of three times the amount of damages under 35 U.S.C. § 284, second paragraph.

D. Attorneys' fees under 35 U.S.C. § 285.

E. Any further relief permitted under Title 35 of the U.S. Code or considered by the Court as just.

DDR demands a jury trial on all issues properly tried before a jury.

RESPECTFULLY SUBMITTED this 20th day of August, 2013, by the below-authorized attorneys for DDR Holdings, LLC.

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