JUDGE SCHOFIELD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

14 CV 9027

SPARK NETWORKS USA, LLC

Plaintiff,

v.

SMOOCH LABS INC.

Defendant.

No. 14 civ.

COMPLAINT

Jury Trial Demanded

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CASHIERS

Plaintiff, Spark Networks USA, LLC ("Spark Networks"), by and through its undersigned counsel, for its Complaint against Defendant, Smooch Labs Inc. ("Smooch Labs"), states and alleges as follows:

NATURE OF THE CASE

1. This is an action for trademark infringement, false designation of origin, unfair competition, dilution, and patent infringement.

2. This action is based on Defendant's infringement of: (i) Plaintiff's federally-registered trademarks for the mark JDATE, in connection with Defendant's online dating services product that directly competes with Plaintiff, and (ii) Plaintiff's patent-in-suit that covers, among other things, methods for detection of reciprocal interests or feelings and subsequent notification that underlies Defendant's online dating services product.

PARTIES

3. Plaintiff Spark Networks is a Delaware limited liability company with a principal place of business located at 11150 Santa Monica Boulevard, Suite 600, Los Angeles, California 90025.

4. Upon information and belief, Defendant Smooch Labs is a Delaware corporation with its principal place of business at 435 Water Street, Portsmouth, Rhode Island 02871.

JURISDICTION AND VENUE

5. The claims for federal trademark infringement, false designation of origin, unfair competition, and dilution asserted in Counts I, II, and III, *infra*, arise under the Trademark Act of 1946 (as amended), namely, 15 U.S.C. §§ 1051 *et seq*. Therefore, this Court has subject matter and original jurisdiction over Counts I, II, and III, pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a).

6. The claims for trademark infringement, unfair competition, dilution and unjust enrichment asserted in Counts IV, V, VI, and VII, *infra*, arise under the common law of the State of New York, and are so related to the federal claims asserted in Counts I, II, and III, *infra*, that they form part of the same case or controversy. Therefore, this Court has subject matter jurisdiction over Counts IV, V, VI, and VII, pursuant to 28 U.S.C §§ 1338(b) and 1367(a).

7. The claim for patent infringement asserted in Count VIII *infra*, arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 101 *et seq*. Therefore, this Court has subject matter and original jurisdiction over Count VIII pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. In the alternative, this Court has subject matter and original jurisdiction over all Counts asserted herein, pursuant to 28 U.S.C. § 1332(a), because complete diversity of citizenship exists between Plaintiff and Defendant and the amount in controversy exceeds $75,000, exclusive of interest and costs.

9. This Court has personal jurisdiction over Defendant because, upon information and belief, Defendant conducts a substantial portion of its business in this District, and it has

directly committed acts of patent infringement against the asserted patent, and trademark infringement against the asserted trademarks referenced *infra*, in this District.

10. Venue is proper in this judicial district, pursuant to 28 U.S.C. § 1391(b)(2), because, upon information and belief, Defendant's wrongful acts and conduct, as discussed *infra*, occurred in substantial part in this judicial district.

11. In the alternative, venue is proper in this judicial district, pursuant to 28 U.S.C. § 1391(b)(3), because, as discussed *supra*, Defendant is subject to personal jurisdiction in this judicial district.

FACTS

I. Plaintiff's Business and Its Intellectual Property Portfolio

a. History of Plaintiff's Business

12. Over 17 years ago, as an early pioneer in social networking and community websites, Spark Networks (then known as MatchNet PLC) launched one of the most widely recognized online dating sites, Jdate.com, setting a standard for online dating services, particularly in niche markets targeted towards specific ethnic and religious communities. Today, Spark Networks boasts an array of "iconic, niche-focused brands that build and strengthen the communities they serve . . . [as a] leading provider of community-focused services, including online personals communities for single adults that offer safe, convenient places to meet and make special connections they may not have otherwise made." Spark Networks, Company Overview, http://www.spark.net/about-us/company-overview/. Jdate.com remains one of Spark Networks' most well-known and signature brands, as the clear forerunner to subsequently founded online dating websites that continue to grow in popularity.

13. As early as 2001, "one of every 10 Jewish singles in the United States" was using

JDate.com. *See* N.Y. Times, A Match Not Made in Heaven; How a Rabbi's Foray into Online Dating Ended Up in Court (May 12, 2001), http://www.nytimes.com/2001/05/12/business/match-not-made-heaven-rabbi-s-foray-into-online-dating-ended-up-court.html. Jdate.com was a pioneer in niche dating, and popularized the use of "J" as a prefix for such ventures geared towards the Jewish population. *See, e.g.*, The Huffington Post, Jewish Matchmaking Is Alive And Well, With Some Post-Shtetl Updates (June 18, 2014) http://www.huffingtonpost.com/2014/06/18/jewish-matchmaking_ n_5488728.html ("Jewish dating sites like JDate, perhaps the best known . . .").

14. As of 2006, Jdate.com's success was unparalleled, and of all Jdate.com users, "1 in 5 people experienced a marriage, engagement, or life partnership with someone they met on JDate, and almost 1 in 3 people met someone on JDate whom they dated for an extensive period of time." Miriam Pullman Friedman, *New Jewish Matchmaking: A Quantitative Analysis of JDate Users*, 84 J. OF JEWISH COMMUNAL SERVICE 3/4, Summer/Fall 2009, 345-52 (Summer/Fall 2009).

15. Based on a study conducted in 2011 by an independent research company, who surveyed almost 1,000 married Jewish internet users, it was found that Jdate.com is "responsible for more Jewish marriages than all other online dating sites combined." Spark Networks, Company Overview, http://www.spark.net/about-us/company-overview/ (emphasis in original); *see also* Jdate.com, JDate Reaches New Milestone for New Year (Sept. 30, 2011), http://www.jdate.com/blog/2011-09/jdate-infographic/.

b. Plaintiff's Trademark Portfolio and "J-Family" of Marks

16. Plaintiff is the owner of a broad trademark portfolio related to its various products and services, including a large family of marks using the "J" prefix to indicate products and

services ("J-family") designed to meet the needs of the Jewish community.

17. Plaintiff is the owner of the following active, federally-registered trademarks in connection with various products and services in connection with the Jewish community, including, but not limited to, online social media and dating websites and applications:

JDate®	JDate Mobile®	JMag®
JDate (logo)®	JDateTV®	JMom®
JDating®	JDate Walking®	JPicks®
JDater®	JDollars®	JPix®
	JBlog® (logo)	JRewards®

See, e.g., Spark Networks, Intellectual Property, http://www.spark.net/intellectual-property/.

18. Each of the fourteen trademarks listed *supra* in Paragraph 17 relate to products and services targeted towards the Jewish community, and Spark Networks actively uses and maintains all of the foregoing marks. Attached hereto as Exhibit A are the active records indicating federal registration of the fourteen marks.

i. Plaintiff's Federally-Registered JDATE Marks

19. Plaintiff has expended significant time, labor, expense, skill, research and development over the course of over 17 years to develop, advertise, market, and promote its iconic J-Family of marks, all originating with its oldest mark, the progenitor of the J-Family of Marks: JDATE.

20. In the course of protecting the JDATE mark, Plaintiff obtained on January 16, 2001, and has since maintained, U.S. Trademark Registration No. 2,420,967 in Class 042 for "[c]omputer services, namely a website for facilitating the introduction of individuals." A true and correct copy of the Registration Certificate for the JDATE Mark, dated January 16, 2001, is attached hereto as Exhibit B.

21. Further in the course of protecting the JDATE mark, Plaintiff obtained on June

17, 2008, and has since maintained, U.S. Trademark Registration No. 3,447,429 in Class 025 for "[c]lothing, namely, t-shirts, sweatshirts, caps and hats," and in Class 045 for "[p]roviding on-line personal introductions through a website, accessed via interconnected global computer networks, for the purpose of making acquaintances, friendship, and long term relationships," for the JDATE LOGO mark. A true and correct copy of the Registration Certificate for the JDATE LOGO Mark, dated June 17, 2008, is attached hereto as Exhibit C.

22. Hereinafter, the JDATE Registrations described in Paragraphs 20 and 21 shall be referred to as the "JDATE Marks".

23. The JDATE Marks are in effect, valid, and subsisting.

24. Plaintiff's extensive advertising, marketing, promotion of its products and services offered under the JDATE Marks have been extremely successful. Since 2002, Plaintiff has invested at least 73 million dollars in its efforts to promote, improve and maintain the products and services offered under the JDATE Marks. One example of the broad marketing and branding efforts to promote the JDATE Marks are annual social events like "Schmooz-a-Palooza" that are designed to bring together members of Jdate.com's loyal consumer base. *See, e.g.*, NBC Los Angeles, Social and Seasonal: Schmooz-a-Palooza (Dec. 20, 2013), http://www.nbclosangeles.com/entertainment/the-scene/Social-and-Seasonal-Schmooz-a-Palooza-236745831.html.

25. Plaintiff's JDATE Marks signify to consumers a singular source in the online dating marketplace for the Jewish Community.

26. The JDATE Marks represent valuable assets for Spark Networks.

27. As stated *supra*, the registration for the first JDATE Mark was issued over 13 years ago.

28. Since the issuance of the JDATE Marks, Plaintiff has continuously offered goods and services under the JDATE Marks for the classes of goods and services identified in the aforementioned registrations.

29. Spark Networks has complied with all federal trademark registration requirements including, but not limited to, filing Affidavits of Use in compliance with Section 1605 of the Trademark Manual of Examining Procedure.

30. The JDATE Marks are incontestable pursuant to 15 U.S.C. § 1065.

c. Plaintiff's U.S. Patent No. 5,950,200

31. On September 7, 1999, the United States Patent and Trademark Office duly issued United States Patent No. 5,950,200 ("the '200 patent" or "patent-in-suit"), entitled "Method and Apparatus for Detection of Reciprocal Interests or Feelings and Subsequent Notification". A true and correct copy of the '200 Patent is attached hereto as Exhibit D. Spark Networks owns by assignment all rights, title, and interest in the '200 Patent, including the right to enforce and collect damages for all past, present, and future infringements.

32. The '200 Patent was filed very early in the history of Internet dating in January 1997, and claims a computerized method and apparatus for confidentially determining whether two people are interested in one another based on specific information entered by users and notifying them of a match "if and only if" both individuals expressed a reciprocal interest in each other.

33. Historical matchmaking did not allow for individuals to express proactive *and* anonymous interest in one another. The claimed invention thus provides a novel and technical solution to a problem in the art—the need for a way for two people who might be shy, fearful of rejection, or embarrassed, to express an interest in someone else in a manner that assured

complete confidentiality and anonymity.

34. In the "Background of the Invention" and "Summary of the Invention," the patent-in-suit states:

> Often, even when two people want to initiate first steps in a relationship, neither person takes action because of shyness, fear of rejection, or other societal pressures or constraints. . . . What is needed is a safe, simple, ***confidential***, and non-judgmental way for people to reveal their true feelings and interests without risk of embarrassment or rejection.
>
> * * *
>
> The present invention overcomes the problems and disadvantages of the prior art by . . . ***confidentially*** determining, whether two people feel mutual attraction or interest . . . ***while maintaining complete anonymity*** unless a match of feelings or interests occurs.
>
> * * *
>
> Thus, the present invention provides a ***safe, confidential and nonjudgmental*** way for people to make their feelings, and interests known without risk of embarrassment of fear of rejection. . . . The system ***maintains the anonymity of the participants*** because no notification occurs unless the system determines that a match in feelings or interests exists.

Ex. D, Abstract; 1:14, 17-20, 31-34, 61-2:2 (emphasis added). These stated objects and goals are achieved in the '200 Patent by a specially programmed computer system for "confidentially determining matches in feelings and interests entered into the system by human beings and for notifying the human beings only in cases when a mutual match in feelings in interests occurs." In the absence of a mutual match, "only the computer system will be aware of the first person's feelings for the second person." (Ex. D, Abstract).

II. Defendant and its Infringement of Plaintiff's Intellectual Property Rights

35. Upon information and belief, Defendant became a Delaware corporation as of January 6, 2014.

36. Upon information and belief, Defendant's product "JSWIPE" first came onto the market in April 2014.

37. Upon information and belief, Defendant's product bearing the name "JSWIPE" is an internet mobile application that describes itself as "the #1 Jewish dating app . . . ." *See* Exhibit E (indicating JSWIPE's availability on the iTunes Store website).

38. It is widely accepted that the term "swipe" connotes dating in 2014. *See, e.g.*, Urban Dictionary, "Swipe right", http://www.urbandictionary.com/define.php?term=Swipe%20right. *See* Exhibit F.

39. Plaintiff has never authorized Defendant to use JSWIPE or any variation thereof in connection with products and services identical to those offered by Plaintiff.

40. The foregoing notwithstanding, Defendant's product targets the same exact consumer base as Plaintiff through the same channel: the single, Jewish community seeking online dating products and services.

41. Defendant and Plaintiff advertise through overlapping marketing channels insofar as they use the Internet to advertise their respective services. In addition, the parties' services are routinely the topic of discussion on websites and blogs.[1]

42. Defendant's conduct results in a likelihood of confusion. Due to the overlapping of marketing and sales channels, Defendant's use of its JSWIPE mark is also likely to cause initial interest and post-sale confusion to the irreparable harm and detriment of Plaintiff and the substantial goodwill it has developed in the JDATE Marks.

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[1] For example, one popular social media site has dubbed JSWIPE as "JDate for Jews on the go." Buzzfeed, There's a Tinder for Pretty Much Everything (Aug. 27, 2014), http://www.buzzfeed.com/awesomer/theres-a-tinder-for-pretty-much-everything. Another technology-related website goes as far to characterize JSWIPE as a "clone ripoff of Jewish dating site JDate." TechCrunch, Matchmaking App Hinge Attracts $4.5M To Beat Tinder's Endless Swiping (July 1, 2014), http://techcrunch.com/2014/07/01/hinge-app/?ncid=rss&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+techcrunch%2Fsocial+%28TechCrunch+%C2%BB+Social%29; *see also* Motherboard, I Asked the 'Jewish Tinder" to Make Me a Match (Oct. 21, 2014), http://motherboard.vice.com/read/i-asked-the-jewish-tinder-to-make-me-a-match ("But because of this fact I've always wondered how I would fare on a Jewish dating site like JDate, and now JSwipe."); Betches Love This, The Five Bros You Meet On Jswipe (Sept. 24, 2014), http://www.betcheslovethis.com/article/five-bros-you-meet-on-jswipe#61YpGQQRbhJlyv7X.99 ("It's [JSwipe] basically like JDate . . .").

43. Defendant's conduct further causes irreparable harm to Plaintiff insomuch as its infringing product is available for free, and thus by causing confusion in the marketplace undermines Plaintiff's brand and causes a substantial and notable drop in subscribers.

44. Upon information and belief, Defendant's product notifies users of a match only when such users provide crossing indications of interest regarding one another. At least this functionality, in combination with the Defendant's product receiving swipe-based user inputs and making resulting determinations of interest, infringes at least claim 1 of the '200 Patent.

45. Without authorization, Defendant continues to use the JSWIPE mark and the underlying software to brand, promote and effectuate its product.

COUNT I
Federal Trademark Infringement under 15 U.S.C. § 1114

46. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

47. As described above, Plaintiff is the owner of the incontestable federally registered trademarks for JDATE. Plaintiff's ownership and exclusive use in commerce of JDATE predates the use of Defendant's JSWIPE.

48. Defendant's acts and conduct, as described *supra*, constitute trademark infringement in violation of 15 U.S.C. §1114 in that Defendant's use of the JSWIPE mark is without authorization, in furtherance of its deliberate scheme to capitalize upon the extensive goodwill and name and brand recognition that Spark Networks has created with its J-Family of marks, and in particular, with its JDATE Marks, for over 17 years. Defendant's conduct is likely to cause confusion, mistake and/or deception among consumers. Such conduct has irreparably harmed and will continue to irreparably harm Plaintiff and the goodwill it has developed in the JDATE Marks.

49. Upon information and belief, given the fame of the JDATE Marks, Defendant's

conduct is willful, intentional, and intended to trade off the goodwill associated with the JDATE Marks. Defendant is and was aware of Plaintiff's prior use and ownership of the JDATE Marks and Defendant's conduct is willful and intentional.

50. Defendant uses and will continue to use its confusingly similar JSWIPE mark in interstate commerce in connection with the sale, offering for sale, distribution, and/or advertising of its goods and services.

51. Upon information and belief, Defendant has made, and will continue to make, substantial gain from its unauthorized use of the JSWIPE mark to which it is not entitled in law or equity, all to the detriment of Plaintiff.

52. By reason of Defendant's infringement and violation of 15 U.S.C. § 1114, Plaintiff has suffered, and will continue to suffer, damages and irreparable harm from Defendant's unauthorized use of the JSWIPE mark on competing services, targeting the identical consumer base, unless restrained by law.

53. Upon information and belief, Defendant has realized, and continues to realize, revenues, profits and other benefits rightfully belonging to Plaintiff as a result of Defendant's wrongful conduct.

54. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

55. Accordingly, Plaintiff respectfully requests that Defendant be permanently enjoined from using the JSWIPE mark and for damages in an amount to be determined at trial.

COUNT II
Federal Unfair Competition and False Designation of Origin under 15 U.S.C. § 1125(a)

56. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

57. Defendant's acts and conduct, as described *supra*, are likely to cause confusion, cause mistake, and/or deceive the public into mistakenly believing that the Defendant and Plaintiff are the same entity, or that Defendant is a licensee, authorized distributor, or affiliate of Plaintiff, or that Defendant, its activities, and/or its products or services are authorized, endorsed, sponsored or approved by Plaintiff, or that Defendant, its activities, and/or its products or services originate with, are connected with, or are associated with Plaintiff, or vice versa.

58. Defendant continues to use the JSWIPE mark without authorization, in furtherance of its deliberate scheme to capitalize upon the extensive goodwill and name and brand recognition that Spark Networks has created with its J-Family of marks, and in particular, with its JDATE Marks, for over 17 years.

59. Upon information and belief, given the fame of the JDATE Marks, Defendant's conduct is willful, intentional, and intended to trade off the goodwill associated with the JDATE Marks. Defendant is and was aware of Plaintiff's prior use and ownership of the JDATE Marks and Defendant's conduct is willful and intentional.

60. Defendant uses and will continue to use its confusingly similar JSWIPE mark in interstate commerce in connection with the sale, offering for sale, distribution, and/or advertising of its goods and services.

61. Upon information and belief, Defendant has made, and will continue to make, substantial gain from its unauthorized use of the JSWIPE mark to which it is not entitled in law or equity, all to the detriment of Plaintiff.

62. By reason of Defendant's infringement, Plaintiff has suffered, and will continue to suffer, actual damages and irreparable harm from Defendant's unauthorized use of the

JSWIPE mark on competing services, targeting the identical consumer base, unless restrained by law.

63. Upon information and belief, Defendant has realized, and continues to realize, revenues, profits and other benefits rightfully belonging to Plaintiff as a result of Defendant's wrongful conduct.

64. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

65. Accordingly, Plaintiff respectfully requests that Defendant be permanently enjoined from using the JSWIPE mark and for damages in an amount to be determined at trial.

COUNT III
Federal Dilution under 15 U.S.C. § 1125(c)

66. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

67. As described above, Plaintiff is the owner of the distinctive and federally registered JDATE Marks.

68. Plaintiff's ownership and exclusive use in commerce of the JDATE Marks in connection with online dating services predates the use of Defendant's JSWIPE mark.

69. Through consistent and continued use, promotion, and consumer and industry recognition, Plaintiff has developed the JDATE Marks as the foundation of its J-Family of Marks, to the point that they are famous. Defendant did not begin using the JSWIPE mark in commerce until long after Plaintiff's JDATE and J-Family of Marks became famous.

70. Upon information and belief, Defendant's conduct is willful and intentional and seeks to take advantage of the goodwill and recognition associated with the J-Family, and, in particular, the JDATE Marks. Defendant is and was at all relevant times both actually and

constructively aware of Plaintiff's prior use, ownership, and registration, and Defendant's conduct is therefore willful and intentional. For example, JSWIPE's founder himself, David Yarus, admits: "I was a JDate user. . . ." TheJewishChannelTJC, *TJC's Jewish News Week in Review: August 22, 2014*, YOUTUBE (Aug. 21, 2014), https://www.youtube.com/watch?v=SQuROE9fNxk (relevant commentary beginning at 4 minutes, 30 seconds).

71. Defendant's use of the JSWIPE mark in connection with online dating services is likely to cause dilution of the distinctive qualities of Plaintiff's JDATE Marks, in violation of 15 U.S.C. § 1125(c).

72. By reason of Defendant's infringement and violation of 15 U.S.C. § 1125(c), Plaintiff has suffered, and will continue to suffer, actual damages and irreparable harm from Defendant's unauthorized use of the JSWIPE mark on competing services, targeting the identical consumer base, unless restrained by law, and Defendant has realized, and continues to realize revenues, profits and other benefits rightfully belonging to Plaintiff as a result of Defendant's wrongful conduct.

73. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

74. Accordingly, Plaintiff respectfully requests that Defendant be permanently enjoined from using the JSWIPE mark and for damages in an amount to be determined at trial.

COUNT IV
Trademark Infringement under New York Statutory and Common Law – N.Y. General Business § 360

75. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

76. As described above, Spark Networks is the owner of valid and protectable trademark rights. Spark Networks' ownership and exclusive use in commerce of its trademarks

predate use by Defendant.

77. Defendant's adoption and use of a confusingly similar mark is likely to cause confusion among relevant consumers.

78. Specifically, Defendant continues to use the JSWIPE mark without authorization, in furtherance of its deliberate scheme to capitalize upon the extensive goodwill and name and brand recognition that Spark Networks has created with its J-Family of Marks, and in particular, with its JDATE Marks, for over 17 years.

79. Upon information and belief, Defendant has made, and will continue to make, substantial gain, revenues, and other benefits from its unauthorized use of the JSWIPE mark to which it is not entitled in law or equity, all to the detriment of Plaintiff.

80. By reason of Defendant's infringement, Plaintiff has suffered, and will continue to suffer, actual damages and irreparable harm from Defendant's unauthorized use of the JSWIPE mark on competing services, targeting the identical consumer base, unless restrained by law.

81. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

82. Accordingly, Plaintiff respectfully requests that Defendant be permanently enjoined from using the JSWIPE mark and for damages in an amount to be determined at trial.

COUNT V
Unfair Competition under New York Common Law

83. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

84. Plaintiff is the owner of the incontestable federally registered trademarks for JDATE. Plaintiff's ownership and exclusive use in commerce of JDATE predates the use of

Defendant's JSWIPE.

85. Defendant's acts and conduct, as described *supra*, including, but not limited to Defendant's use and adoption of a confusingly similar mark, constitute common law unfair competition and misappropriation of Spark Networks' trademark rights.

86. Defendant misappropriated the labors and expenditures of Spark Networks in bad faith.

87. As a direct and proximate result of Defendant's unfair competition, Plaintiff has suffered, and will continue to suffer, actual damages and irreparable harm.

88. Upon information and belief, Defendant has made, and will continue to make, substantial gain, revenues, and other benefits from its unauthorized use of the JSWIPE mark to which it is not entitled in law or equity, all to the detriment of Plaintiff.

89. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

90. Accordingly, Plaintiff respectfully requests that Defendant be permanently enjoined from using the JSWIPE mark and for damages in an amount to be determined at trial.

COUNT VI
New York Statutory Dilution under New York General Business Law § 360

91. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

92. As described above, Plaintiff is the owner of valid and protectable trademark rights.

93. Plaintiff's ownership and exclusive use in commerce of its trademarks predate the use by Defendant.

94. Defendant's adoption and use of a confusingly similar mark is likely to cause

injury to Plaintiff's business reputation and/or the dilution of the distinctive quality of its trademarks.

95. By reason of Defendant's conduct, Plaintiff has suffered, and will continue to suffer, actual damages and irreparable harm from Defendant's unauthorized use of the JSWIPE mark on competing services, targeting the identical consumer base, unless restrained by law.

96. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

97. Accordingly, Plaintiff respectfully requests that Defendant be permanently enjoined from using the JSWIPE mark and for damages in an amount to be determined at trial.

COUNT VII
Unjust Enrichment

98. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

99. Through the conduct described *supra*, Defendant has been enriched at Spark Networks' expense and it is against good equity and conscience to permit Defendant to retain any profits or other rewards from its conduct.

100. Defendant's conduct was with deceptive intent.

101. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

COUNT VIII
Infringement of the '200 Patent under 35 U.S.C. § 271(a)

102. Plaintiff repeats and re-alleges all paragraphs as if fully set forth herein.

103. Defendant has infringed and continues to infringe at least claim 1 of the '200 Patent, in direct violation of 35 U.S.C. § 271(a) by, without Plaintiff's authority, making,

offering for sale, and selling products and services that are covered by one or more claims of the '200 Patent.

104. Defendant's conduct is causing and will continue to cause Plaintiff to suffer irreparable harm, and unless restrained, Plaintiff will continue to be damaged because Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Spark Networks respectfully requests relief from this Court against Defendant Smooch Labs as follows:

a. An Order permanently enjoining and restraining Defendant, its subsidiaries, divisions, branches, affiliates, predecessors or successors in business, parents and wholly owned or partially owned entities of the party, and any entities acting or purporting to act for or on behalf of the foregoing, including any agents, employees, representatives, officers, directors, servants, partners, and those persons in active concert or participation with them, from engaging in, offering, or providing goods or services in connection with any mark that is identical to, or confusingly similar with, Spark Networks' JDATE Marks, including enjoining use of the JSWIPE mark and any mark confusingly similar thereto;

b. An Order permanently enjoining and restraining Defendant, its subsidiaries, divisions, branches, affiliates, predecessors or successors in business, parents and wholly owned or partially owned entities of the party, and any entities acting or purporting to act for or on behalf of the foregoing, including any agents, employees, representatives, officers, directors, servants, partners, and those persons in active concert or participation with them, from engaging in any acts of unfair competition and/or deceptive acts and practices utilizing any mark that is identical to, or confusingly similar with Spark Networks' JDATE Marks, including enjoining use of the JSWIPE mark and any mark confusingly similar thereto;

c. An Order (i) requiring an accounting of Defendant's wrongful profits and/or compensatory damages in an amount to be determined at trial pursuant to Defendant's unlawful use of the JSWIPE Mark, (ii) awarding all of said amounts to Plaintiff as damages sustained by Plaintiff due to Defendant's acts complained of herein, and (iii) awarding treble damages to Plaintiff;

d. A Declaration that this case is "exceptional" within the meaning of 15 U.S.C. § 1117 and awarding Plaintiff its reasonable attorneys' fees and costs based thereon;

e. A judgment that Defendant has directly infringed Plaintiff's patent-in-suit in violation of 35 U.S.C. § 271(a);

f. An Order permanently enjoining and restraining Defendant, its subsidiaries, divisions, branches, affiliates, predecessors or successors in business, parents and wholly owned or partially owned entities of the party, and any entities acting or purporting to act for or on behalf of the foregoing, including any agents, employees, representatives, officers, directors, servants, partners, and those persons in active concert or participation with them, from making, distributing, licensing, using, offering for sale and/or selling products or services that infringe Plaintiff's patent-in-suit;

g. An Order requiring Defendant to account for and pay over to Plaintiff all damages sustained by Plaintiff as a result of Defendant's infringement of Plaintiff's patent-in-suit, including, but not limited to, a reasonable royalty and/or lost profits due by reason of Defendant's infringement, such reasonable royalty and/or lost profits to be based on sales of Defendant's competing products and services;

h. A Declaration that this case is "exceptional" within the meaning of 35 U.S.C. § 285 and awarding Plaintiff its reasonable attorneys' fees and costs based thereon; and

i. Award such other and further relief that the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of all issues so triable.

Dated: November 12, 2014
New York, New York

CROWELL & MORING LLP

By: _____

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Attorneys for plaintiff Spark Networks USA, LLC.

Exhibit A

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Nov 4 03:21:00 EST 2014

JDATE

Word Mark	**JDATE**
Goods and Services	IC 042. US 100 101. G & S: Computer services, namely providing a website for facilitating the introduction of individuals. FIRST USE: 19970200. FIRST USE IN COMMERCE: 19970200
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75784815
Filing Date	August 28, 1999
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 24, 2000
Registration Number	2420967
Registration Date	January 16, 2001
Owner	(REGISTRANT) MatchNet plc CORPORATION UNITED KINGDOM 8670 Wilshire Boulevard Beverly Hills CALIFORNIA 90211 (LAST LISTED OWNER) SPARK NETWORKS USA, LLC LTD LIAB JT ST CO DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

Record	Victor T. Fu
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110114.
Renewal	1ST RENEWAL 20110114
Live/Dead Indicator	LIVE

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JMAG

Word Mark	**JMAG**
Goods and Services	IC 041. US 100 101 107. G & S: PROVIDING AN ON-LINE MAGAZINE FEATURING NEWS AND FEATURE ARTICLES CONCERNING DATING, RELATIONSHIPS, FRIENDSHIP AND LONG TERM RELATIONSHIPS. FIRST USE: 20060512. FIRST USE IN COMMERCE: 20060512
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78890463
Filing Date	May 23, 2006
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 23, 2007
Registration Number	3227590
Registration Date	April 10, 2007
Owner	(REGISTRANT) Spark Networks PUBLIC LIMITED COMPANY (PLC) UNITED KINGDOM Suite 800 8383 Wilshire Blvd. Beverly Hills CALIFORNIA 90211 (LAST LISTED OWNER) SPARK NETWORKS USA, LLC LTD LIAB JT ST CO DELAWARE

	11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Victor T. Fu
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Start List At: OR Jump to record: **Record 2 out of 2**

TSDR | ASSIGN Status | TTAB Status *(Use the "Back" button of the Internet Browser to return to TESS)*

JDATING

Word Mark	**JDATING**
Goods and Services	IC 045. US 100 101. G & S: Providing on-line personal introductions through a website, accessed via interconnected global computer networks, for the purpose of making acquaintances, friendship, and long term relationships. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77028678
Filing Date	October 25, 2006
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 29, 2007
Registration Number	3278986
Registration Date	August 14, 2007
Owner	(REGISTRANT) Spark Networks PUBLIC LIMITED COMPANY (PLC) UNITED KINGDOM Suite 800 8383 Wilshire Blvd. Beverl Hills CALIFORNIA 90211

	(LAST LISTED OWNER) SPARK NETWORKS USA, LLC LIMITED LIABILITY COMPANY DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Victor T. Fu
Prior Registrations	2420967
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

TESS was last updated on Tue Nov 4 03:21:00 EST 2014

Record 1 out of 1

JDATER

Word Mark	**JDATER**
Goods and Services	IC 045. US 100 101. G & S: Providing on-line personal introductions through a website, accessed via interconnected global computer networks, for the purpose of making acquaintances, friendship, and long term relationships. FIRST USE: 20061024. FIRST USE IN COMMERCE: 20061024
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77028829
Filing Date	October 25, 2006
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 29, 2007
Registration Number	3278992
Registration Date	August 14, 2007
Owner	(REGISTRANT) Spark Networks PUBLIC LIMITED COMPANY (PLC) UNITED KINGDOM Suite 800 8383 Wilshire Blvd. Beverly Hills CALIFORNIA 90211 (LAST LISTED OWNER) SPARK NETWORKS USA, LLC LIMITED LIABILITY COMPANY DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Assignment	ASSIGNMENT RECORDED

Recorded	
Attorney of Record	Victor T. Fu
Prior Registrations	2420967
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

Trademarks > Trademark Electronic Search System (TESS)

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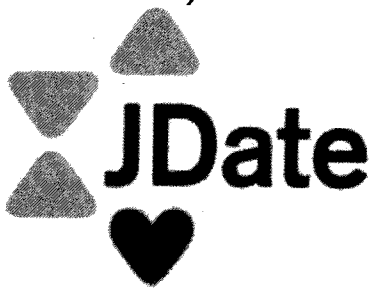

Word Mark	**JDATE**
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, t-shirts, sweatshirts, caps and hats. FIRST USE: 20030101. FIRST USE IN COMMERCE: 20030101 IC 045. US 100 101. G & S: Providing on-line personal introductions through a website, accessed via interconnected global computer networks, for the purpose of making acquaintances, friendship, and long term relationships. FIRST USE: 20011127. FIRST USE IN COMMERCE: 20011127
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.04 - Star - a single star with six points 01.01.11 - Incomplete stars; Stars, incomplete 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards 26.05.14 - Three triangles; Triangles, exactly three triangles 26.05.21 - Triangles that are completely or partially shaded
Trademark Search Facility Classification Code	LETS-1 J A single letter, multiples of a single letter or in combination with a design SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-HEARTS Heart shaped design SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles
Serial Number	77028673
Filing Date	October 25, 2006
Current Basis	1A
Original Filing	

Basis	1A
Published for Opposition	April 1, 2008
Registration Number	3447429
Registration Date	June 17, 2008
Owner	(REGISTRANT) Spark Networks plc PUBLIC LIMITED COMPANY (PLC) ENGLAND 8383 Wilshire Boulevard Suite 800 Beverly Hills CALIFORNIA 90211 (LAST LISTED OWNER) SPARK NETWORKS USA, LLC LTD LIAB JT ST CO DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Victor T. Fu
Prior Registrations	2420967
Description of Mark	The color(s) light blue, blue and red is/are claimed as a feature of the mark. The mark consists of the word "JDate" in blue surrounded by three light blue triangles and a red heart shape motif all of which form the overall impression of the Star of David.
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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JDATE MOBILE

Word Mark	**JDATE MOBILE**
Goods and Services	IC 045. US 100 101. G & S: Personal introduction services for the purpose of making acquaintances, friendship, and long term relationships accessed via electronic communication network from mobile telephones, cellular telephones, personal digital assistants and other portable wireless electronic devices. FIRST USE: 20091209. FIRST USE IN COMMERCE: 20091209
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-1 J A single letter, multiples of a single letter or in combination with a design
Serial Number	77813490
Filing Date	August 26, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 3, 2009
Registration Number	3786158
Registration Date	May 4, 2010
Owner	(REGISTRANT) Spark Networks Limited private limited company UNITED KINGDOM SUITE 800 8383 WILSHIRE BLVD BEVERLY HILLS CALIFORNIA 90211

(LAST LISTED OWNER) SPARK NETWORKS USA, LLC LTD LIAB JT ST CO DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Victor T. Fu
Prior Registrations	2420967;3278986;3278992;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOBILE" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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JDateTV

Word Mark	**JDATETV**
Goods and Services	IC 045. US 100 101. G & S: online services in the nature of providing a website featuring audio-visual content in the form of non-downloadable videos featuring topics related to dating, relationships, friendship and long term relationships. FIRST USE: 20090301. FIRST USE IN COMMERCE: 20090301
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-1 J A single letter, multiples of a single letter or in combination with a design LETS-2 TV Two letters or combinations of multiples of two letters
Serial Number	77880276
Filing Date	November 24, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 27, 2010
Registration Number	3817612
Registration Date	July 13, 2010
Owner	(REGISTRANT) Spark Networks Limited limited company (ltd.) UNITED KINGDOM SUITE 800 8383 WILSHIRE BLVD BEVERLY HILLS CALIFORNIA 90211

(LAST LISTED OWNER) SPARK NETWORKS USA, LLC LTD LIAB JT ST CO DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Victor T. Fu
Prior Registrations	2420967;3278986;3278992;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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JRewards

Word Mark	**JREWARDS**
Goods and Services	IC 035. US 100 101 102. G & S: Incentive awards programs for customers of online personals website to promote the sale of consumer goods and travel, hospitality and entertainment services of others. FIRST USE: 20090728. FIRST USE IN COMMERCE: 20090728
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77919510
Filing Date	January 25, 2010
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 22, 2011
Registration Number	3972421
Registration Date	June 7, 2011
Owner	(REGISTRANT) SPARK NETWORKS USA, LLC LTD LIAB JT ST CO DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Victor T. Fu
Type of Mark	SERVICE MARK

Register	PRINCIPAL
Live/Dead Indicator	LIVE

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JBlog

Word Mark	**JBLOG**
Goods and Services	IC 041. US 100 101 107. G & S: online journals, namely blogs in the field of on-line dating, relationships, friendships and personal introductions. FIRST USE: 20101215. FIRST USE IN COMMERCE: 20101215
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.17 - Balloons, thought or speech; Clouds, thought or speech; Thought or speech clouds
Serial Number	85203436
Filing Date	December 21, 2010
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 26, 2011
Registration Number	3993989
Registration Date	July 12, 2011
Owner	(REGISTRANT) Spark Networks Limited private limited company UNITED KINGDOM 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Attorney of Record	Victor T. Fu
Description of	Color is not claimed as a feature of the mark. The mark consists of the word "JBlog" with the "J"

Mark	and a portion of the "B" appearing within a cartoon quote bubble.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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JPICKS

Word Mark	**JPICKS**
Translations	The wording "**JPICKS**" has no meaning in a foreign language.
Goods and Services	IC 035. US 100 101 102. G & S: Promoting the goods and services of others by providing an interactive website featuring coupons, rebates, product reviews, discounts and promotional offers of other businesses. FIRST USE: 20110207. FIRST USE IN COMMERCE: 20110207
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85222519
Filing Date	January 20, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 19, 2011
Registration Number	4034180
Registration Date	October 4, 2011
Owner	(REGISTRANT) Spark Networks USA, LLC LIMITED LIABILITY COMPANY DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Attorney of Record	Victor T. Fu
Type of Mark	SERVICE MARK
Register	PRINCIPAL

Live/Dead Indicator LIVE

TESS was last updated on Tue Nov 4 03:21:00 EST 2014

Record 1 out of 1

JDollars

Word Mark	**JDOLLARS**
Goods and Services	IC 035. US 100 101 102. G & S: Promoting the goods and services of others by providing an interactive website featuring coupons, rebates, product reviews, discounts and promotional offers of other businesses. FIRST USE: 20110501. FIRST USE IN COMMERCE: 20110501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85389597
Filing Date	August 4, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 1, 2011
Registration Number	4088095
Registration Date	January 17, 2012
Owner	(REGISTRANT) Spark Networks USA, LLC LIMITED LIABILITY COMPANY DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Attorney of Record	Victor T. Fu
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead	

Indicator LIVE

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JMom

Word Mark	**JMOM**
Goods and Services	IC 045. US 100 101. G & S: Providing on-line personal introductions through a website, accessed via interconnected global computer networks, for the purpose of making acquaintances, friendship, and long term relationships. FIRST USE: 20050501. FIRST USE IN COMMERCE: 20050501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85397826
Filing Date	August 15, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 1, 2011
Registration Number	4088112
Registration Date	January 17, 2012
Owner	(REGISTRANT) Spark Networks USA, LLC LIMITED LIABILITY COMPANY DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Attorney of Record	Victor T. Fu
Type of Mark	SERVICE MARK
Register	PRINCIPAL

Live/Dead Indicator LIVE

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JDATE WALKING

Word Mark	**JDATE WALKING**
Goods and Services	IC 041. US 100 101 107. G & S: Entertainment services, namely, providing on-going webisodes featuring comedy and commentary on online dating, relationships, friendships and personal introductions. FIRST USE: 20101101. FIRST USE IN COMMERCE: 20101101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85462408
Filing Date	November 2, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 14, 2012
Registration Number	4135612
Registration Date	May 1, 2012
Owner	(REGISTRANT) Spark Networks USA, LLC LIMITED LIABILITY COMPANY DELAWARE 11150 Santa Monica Boulevard Suite 600 Los Angeles CALIFORNIA 90025
Attorney of Record	Victor T. Fu
Prior Registrations	2420967;3447429;3786158;AND OTHERS
Type of Mark	SERVICE MARK

Register	PRINCIPAL
Live/Dead Indicator	LIVE

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JPIX

Word Mark	**JPIX**
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Downloadable mobile applications for smartphones, mobile telephones, cellular telephones, personal digital assistants, tablets and other portable wireless electronic devices for viewing personal introduction and social networking profile pictures and information for the purpose of making acquaintances, friendship, and long term relationships. FIRST USE: 20130514. FIRST USE IN COMMERCE: 20130514
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86249835
Filing Date	April 11, 2014
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 19, 2014
Registration Number	4632443
Registration Date	November 4, 2014
Owner	(REGISTRANT) Spark Networks USA, LLC LIMITED LIABILITY COMPANY DELAWARE Suite

	600 11150 Santa Monica Boulevard Los Angeles CALIFORNIA 90025
Attorney of Record	Victor T. Fu
Prior Registrations	4034180
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Exhibit B

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,420,967

Registered Jan. 16, 2001

SERVICE MARK
PRINCIPAL REGISTER

JDATE

MATCHNET PLC (UNITED KINGDOM CORPORATION)
8670 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 90211

FOR: COMPUTER SERVICES, NAMELY PROVIDING A WEBSITE FOR FACILITATING THE INTRODUCTION OF INDIVIDUALS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-0-1997; IN COMMERCE 2-0-1997.

SER. NO. 75-784,815, FILED 8-28-1999.

JOHN LINCOSKI, EXAMINING ATTORNEY

Exhibit C

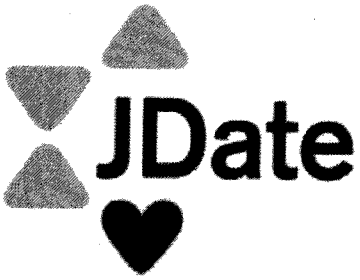
Int. Cls.: 25 and 45

Prior U.S. Cls.: 22, 39, 100 and 101

United States Patent and Trademark Office

Reg. No. 3,447,429
Registered June 17, 2008

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



SPARK NETWORKS PLC (ENGLAND PUBLIC LIMITED COMPANY (PLC))
8383 WILSHIRE BOULEVARD SUITE 800
BEVERLY HILLS, CA 90211

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, CAPS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2003; IN COMMERCE 1-1-2003.

FOR: PROVIDING ON-LINE PERSONAL INTRODUCTIONS THROUGH A WEBSITE, ACCESSED VIA INTERCONNECTED GLOBAL COMPUTER NETWORKS, FOR THE PURPOSE OF MAKING ACQUAINTANCES, FRIENDSHIP, AND LONG TERM RELATIONSHIPS, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 11-27-2001; IN COMMERCE 11-27-2001.

OWNER OF U.S. REG. NO. 2,420,967.

THE COLOR(S) LIGHT BLUE, BLUE AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "JDATE" IN BLUE SURROUNDED BY THREE LIGHT BLUE TRIANGLES AND A RED HEART SHAPE MOTIF ALL OF WHICH FORM THE OVERALL IMPRESSION OF THE STAR OF DAVID.

SER. NO. 77-028,673, FILED 10-25-2006.

BRENDAN REGAN, EXAMINING ATTORNEY

Exhibit D

US005950200A

United States Patent [19]

Sudai et al.

[11] Patent Number: 5,950,200

[45] Date of Patent: Sep. 7, 1999

[54] **METHOD AND APPARATUS FOR DETECTION OF RECIPROCAL INTERESTS OR FEELINGS AND SUBSEQUENT NOTIFICATION**

[75] Inventors: **Gil S. Sudai**, 347 Fern St.; **David J. Blumberg**, 1340 Washington St. #11, both of San Francisco, Calif. 94108

[73] Assignees: **Gil S. Sudai**; **David J. Blumberg**, both of San Francisco, Calif.

[21] Appl. No.: **08/788,522**

[22] Filed: **Jan. 24, 1997**

[51] **Int. Cl.**[6] **G06R 17/30**

[52] **U.S. Cl.** **707/9**

[58] **Field of Search** 707/1, 3, 5, 6, 707/9

[56] **References Cited**

U.S. PATENT DOCUMENTS

5,659,731	8/1997	Gustafson	707/4
5,717,923	2/1998	Dedrick	707/102
5,754,939	5/1998	Herz et al.	455/4.2
5,761,662	6/1998	Dasan	707/10

OTHER PUBLICATIONS

Web Page for Match.Com; Online Matchmaking Service; URL+http://www.match.com/link.cgi/375938629100/welcome.tpl, Copyright 1993–1996; 1 page.

Web Page for Match.Com; URL+http://www.match.com/link.cgi/375938629100/browse–prompt.tpl; publication date unknown; 2 pages.

Web Page for Match.Com; URL+http://www.match.com/link.cgi/375938629100/main–menu–secure.tpl; publication date unknown; 4 pages.

Web Page for PlanetAll Corp.; URL+http://members.planetall.com/contacts/head.dbm; publication date unknown; 1 page.

Web Page for PlanetAll Corp.; URL+http://www.planetall.com/Press/press.dbm; apparently published on or after Jan. 24, 1997; 3 pages.

Web Page for PlanetAll Corp.; URL+http://members.planetall.com/contacts/EmailSleepers.dbm; publication date unknown; 1 page.

Web Page for PlanetAll Corp.; URL+http://members.planetall.com/contacts/EmailSleepers–submit.dbm; publication date unknown; 1 page.

Web Page for PlanetAll Corp.; URL+http://www.planetall.com/tour/sample–email.htm; Dec. 6, 1996; 2 pages.

Web Page for People Will Talk URL+http://lcs.www.media.mit.edu/people/foner/Yenta/people–will–talk.html, 1 page, Dec. 13, 1994.

Web Page for Overview of Yenta URL+http://lcs.www.media.mit.edu/people/foner/Yenta/overview.html, 2 pages, Dec. 13, 1994.

Web Page for Overview of Matchmaking Process URL+http://lcs.www.media.mit.edu/people/foner/Yenta/matchmaker–overview.html, 1 page, Dec. 13, 1994.

Web Page for Yenta URL+http://foner.www.media.mit.edu/people/foner/yenta–brief.html, 2 pages, Feb. 11, 1997.

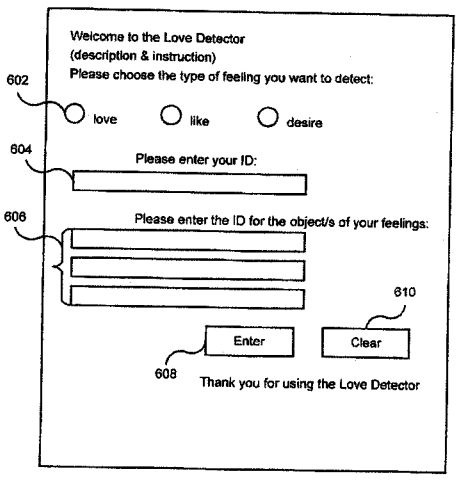
Primary Examiner—Jack M. Choules

Attorney, Agent, or Firm—Grahahm & James LLP

[57] **ABSTRACT**

A method and apparatus for automating the process of confidentially determining whether people feel mutual attraction or have mutual interests and for automating the process of notifying the people involved of such a match in feelings or interests, while allowing anonymity if no mutual attraction or interests exist. A computer system receives inputs from various persons indicating the identities of persons for whom they feel attraction or with whom they share mutual interests. The system collects this information and periodically searches for matches, i.e., for mutual attractions or interests that have been entered into the system. No notification occurs unless the system determines that a match in attraction or interests exists. If a first person's feelings or interests are not mirrored by a second person, the system will not notify either person and only the computer system will be aware of the first person's feelings for the second person.

31 Claims, 15 Drawing Sheets



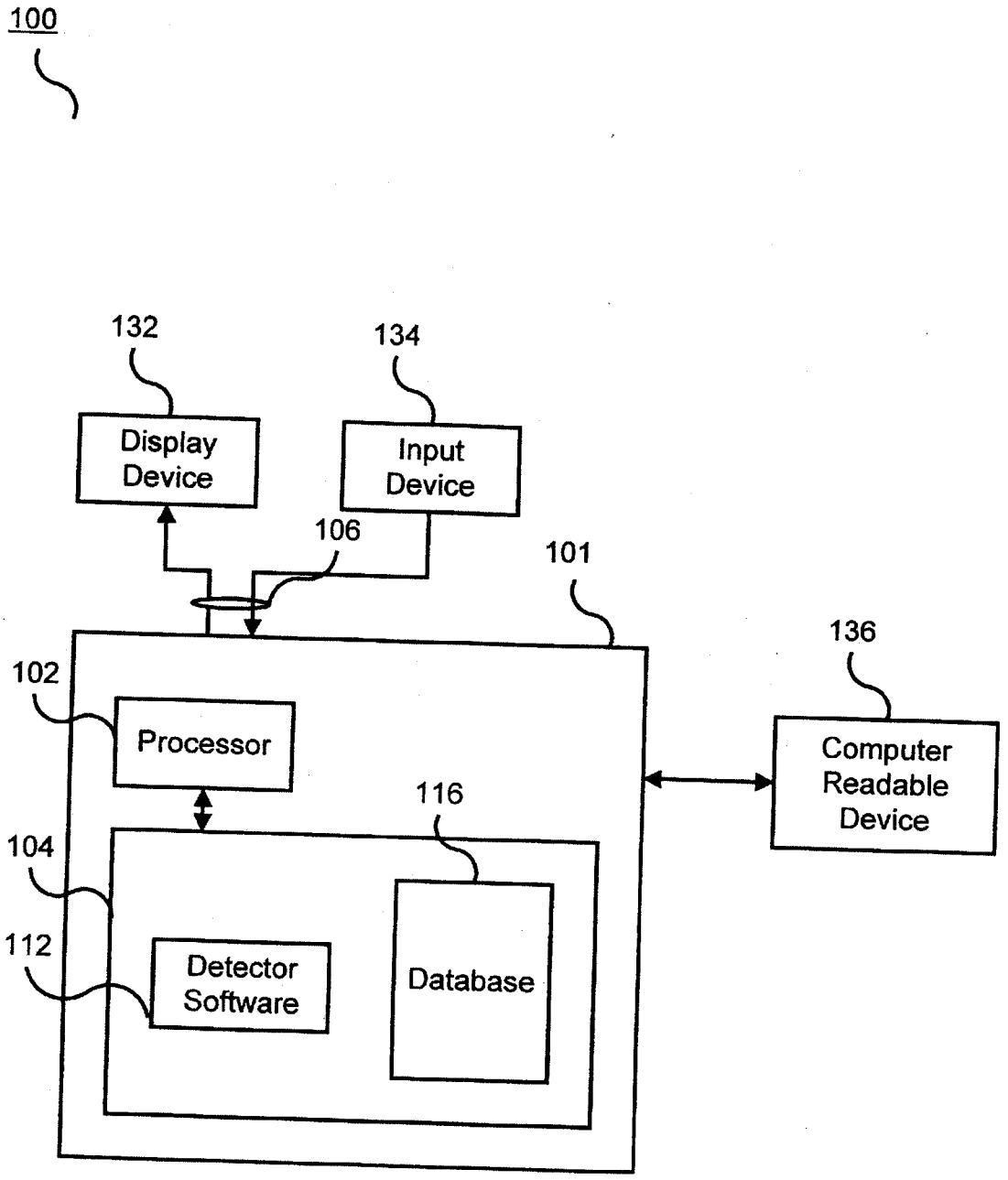

100
132
Display Device
134
Input Device
106
101
136
102
Processor
Computer Readable Device
116
104
112
Detector Software
Database

FIG. 1

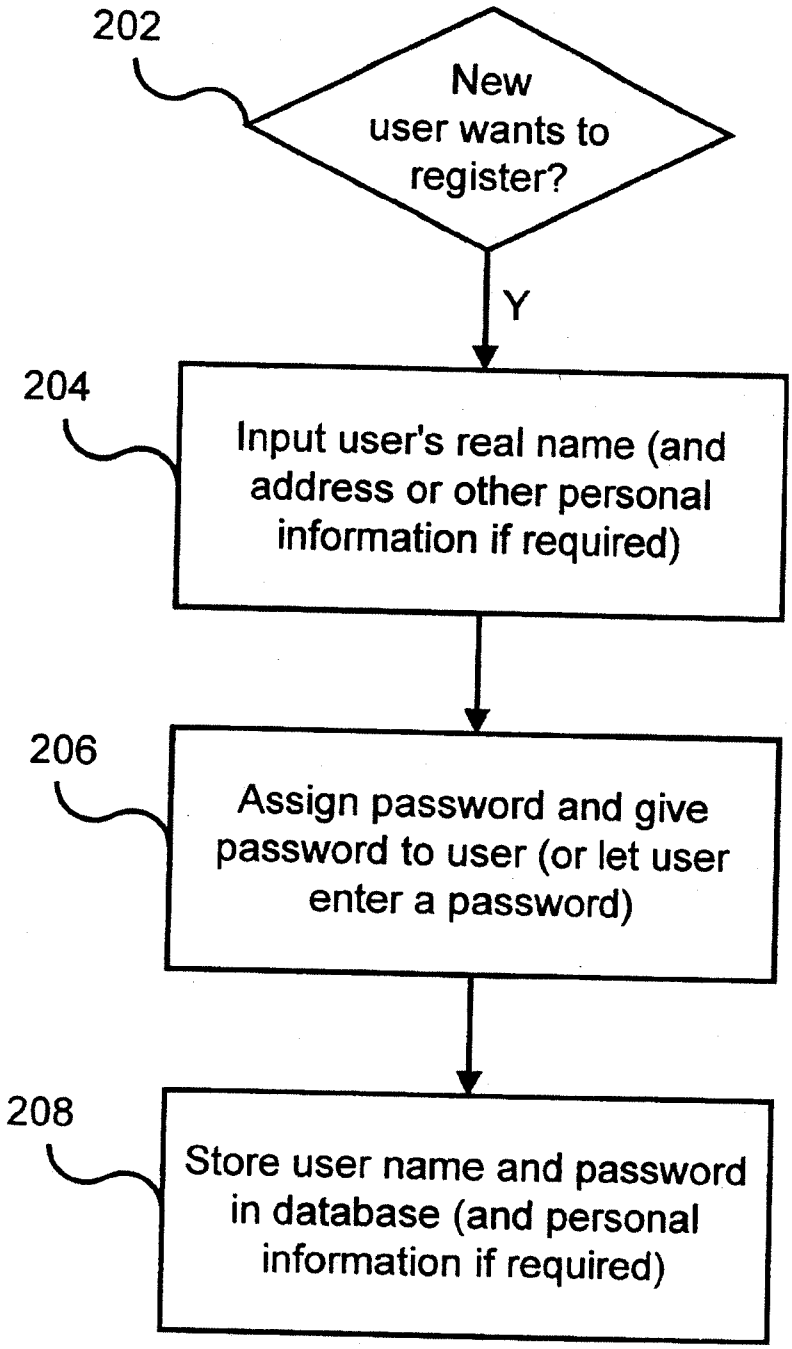

202
New user wants to register?
Y
204
Input user's real name (and address or other personal information if required)
206
Assign password and give password to user (or let user enter a password)
208
Store user name and password in database (and personal information if required)

FIG. 2

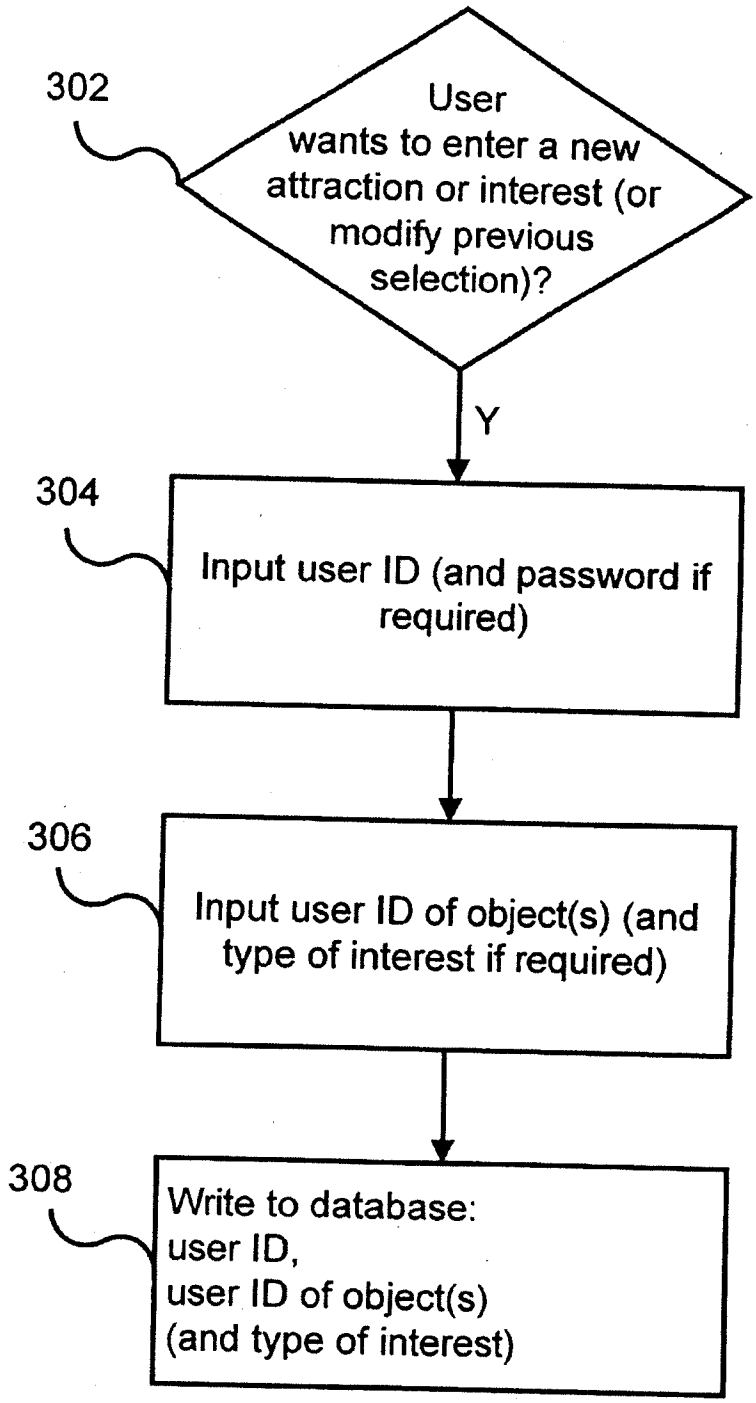

302
User wants to enter a new attraction or interest (or modify previous selection)?
Y
304
Input user ID (and password if required)
306
Input user ID of object(s) (and type of interest if required)
308
Write to database:
user ID,
user ID of object(s)
(and type of interest)

FIG. 3

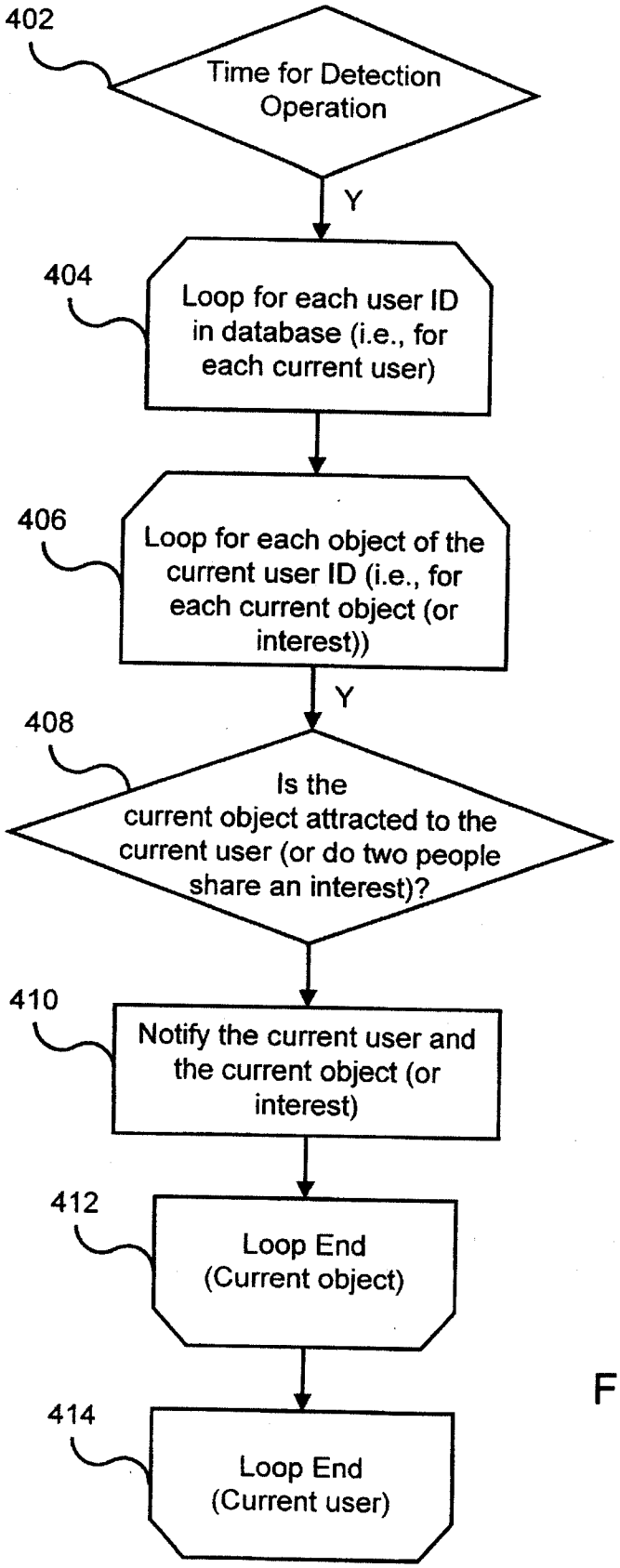

402
Time for Detection Operation
Y
404
Loop for each user ID in database (i.e., for each current user)
406
Loop for each object of the current user ID (i.e., for each current object (or interest))
Y
408
Is the current object attracted to the current user (or do two people share an interest)?
410
Notify the current user and the current object (or interest)
412
Loop End (Current object)
414
Loop End (Current user)

FIG. 4A

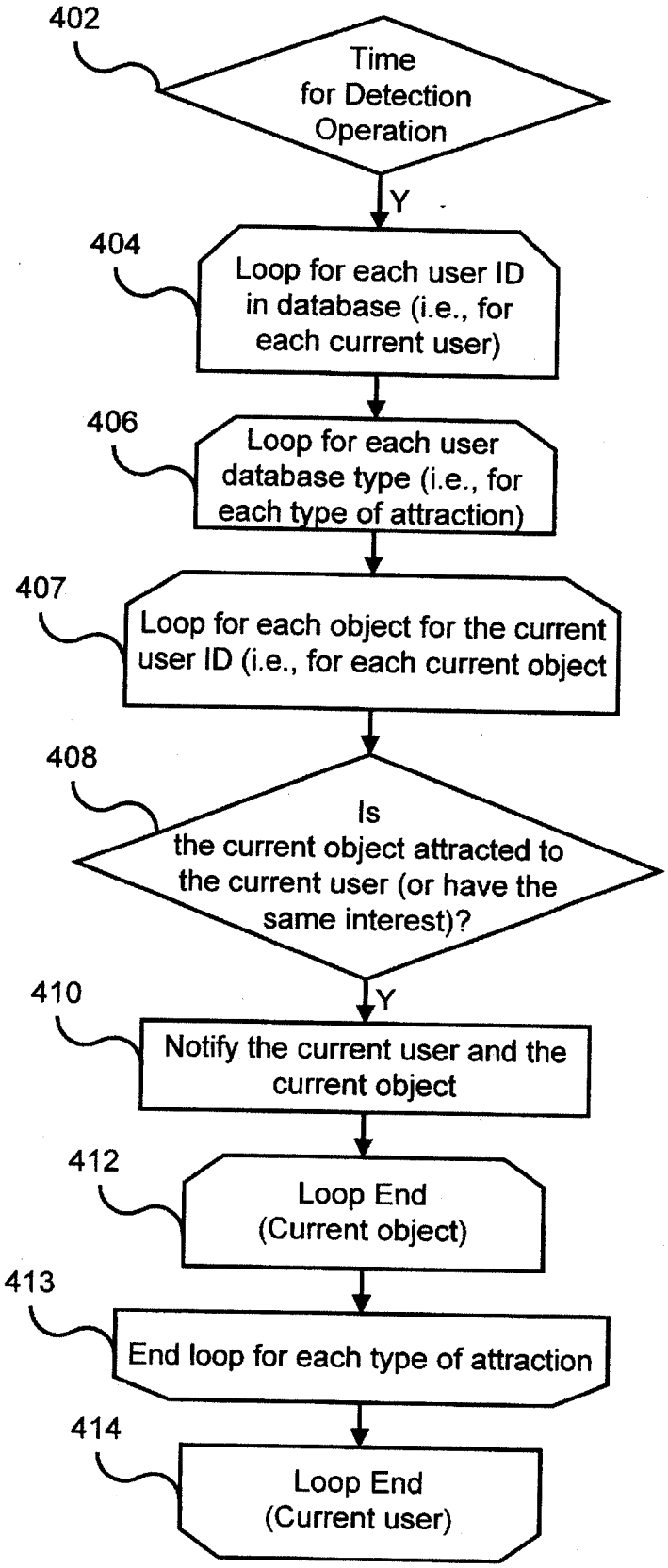

402
Time for Detection Operation
Y
404
Loop for each user ID in database (i.e., for each current user)
406
Loop for each user database type (i.e., for each type of attraction)
407
Loop for each object for the current user ID (i.e., for each current object
408
Is the current object attracted to the current user (or have the same interest)?
Y
410
Notify the current user and the current object
412
Loop End (Current object)
413
End loop for each type of attraction
414
Loop End (Current user)

FIG. 4B

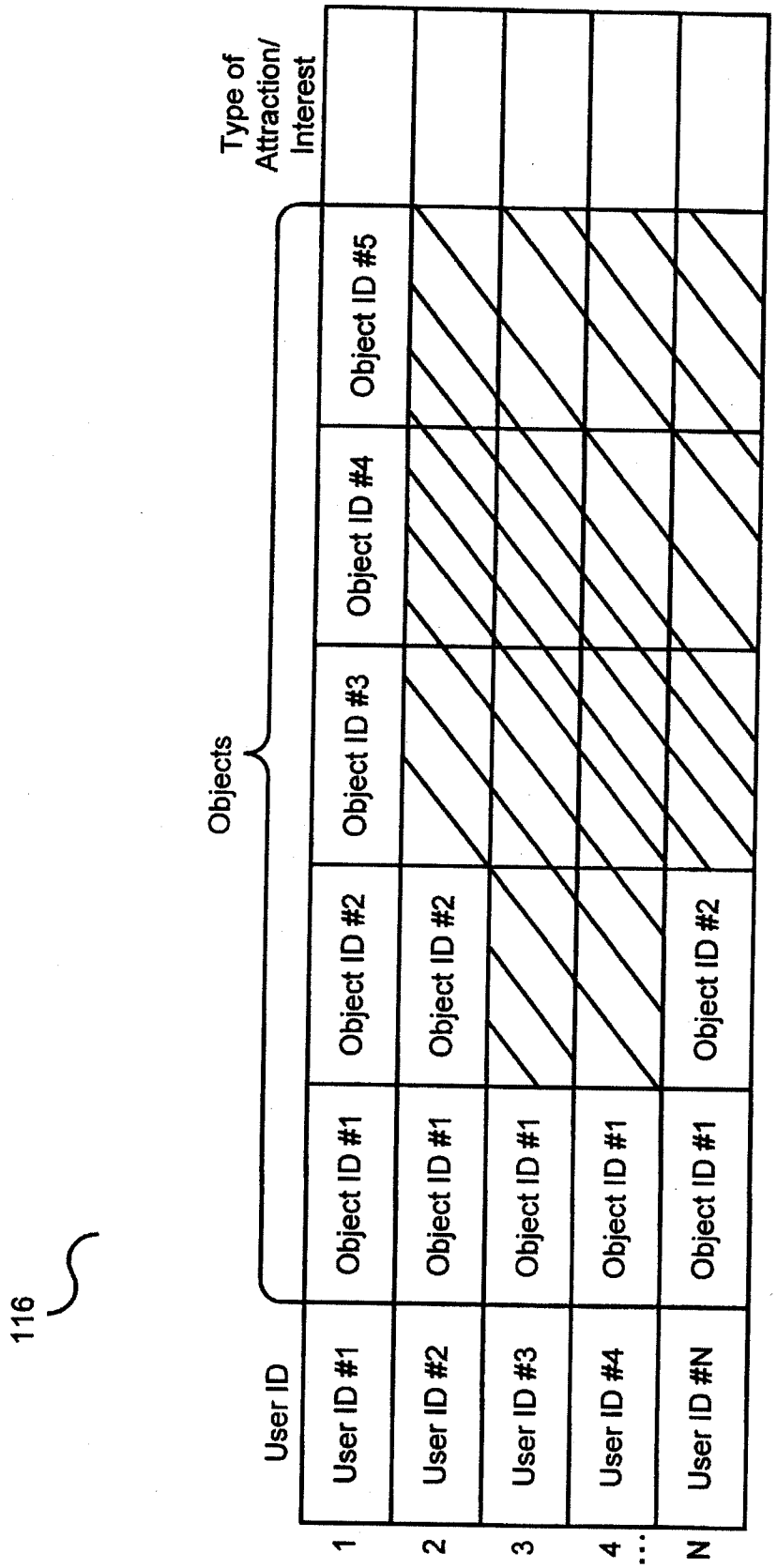

116
User ID
Objects
Type of Attraction/ Interest
1
2
3
4
...
N
User ID #1
User ID #2
User ID #3
User ID #4
User ID #N
Object ID #1
Object ID #2
Object ID #3
Object ID #4
Object ID #5

FIG. 5

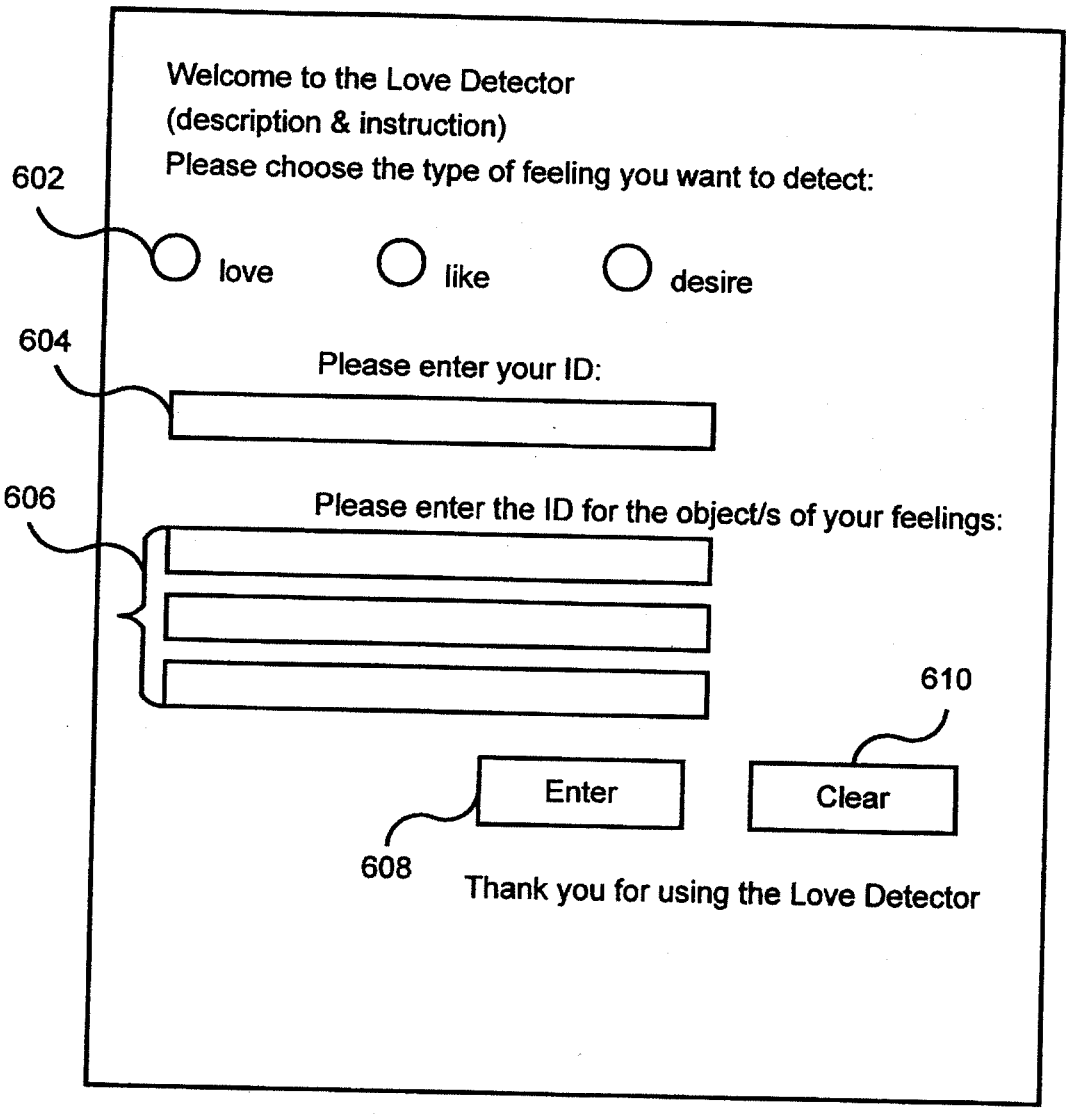

Welcome to the Love Detector
(description & instruction)
Please choose the type of feeling you want to detect:
602
love
like
desire
604
Please enter your ID:
606
Please enter the ID for the object/s of your feelings:
610
Enter
Clear
608
Thank you for using the Love Detector

FIG. 6A

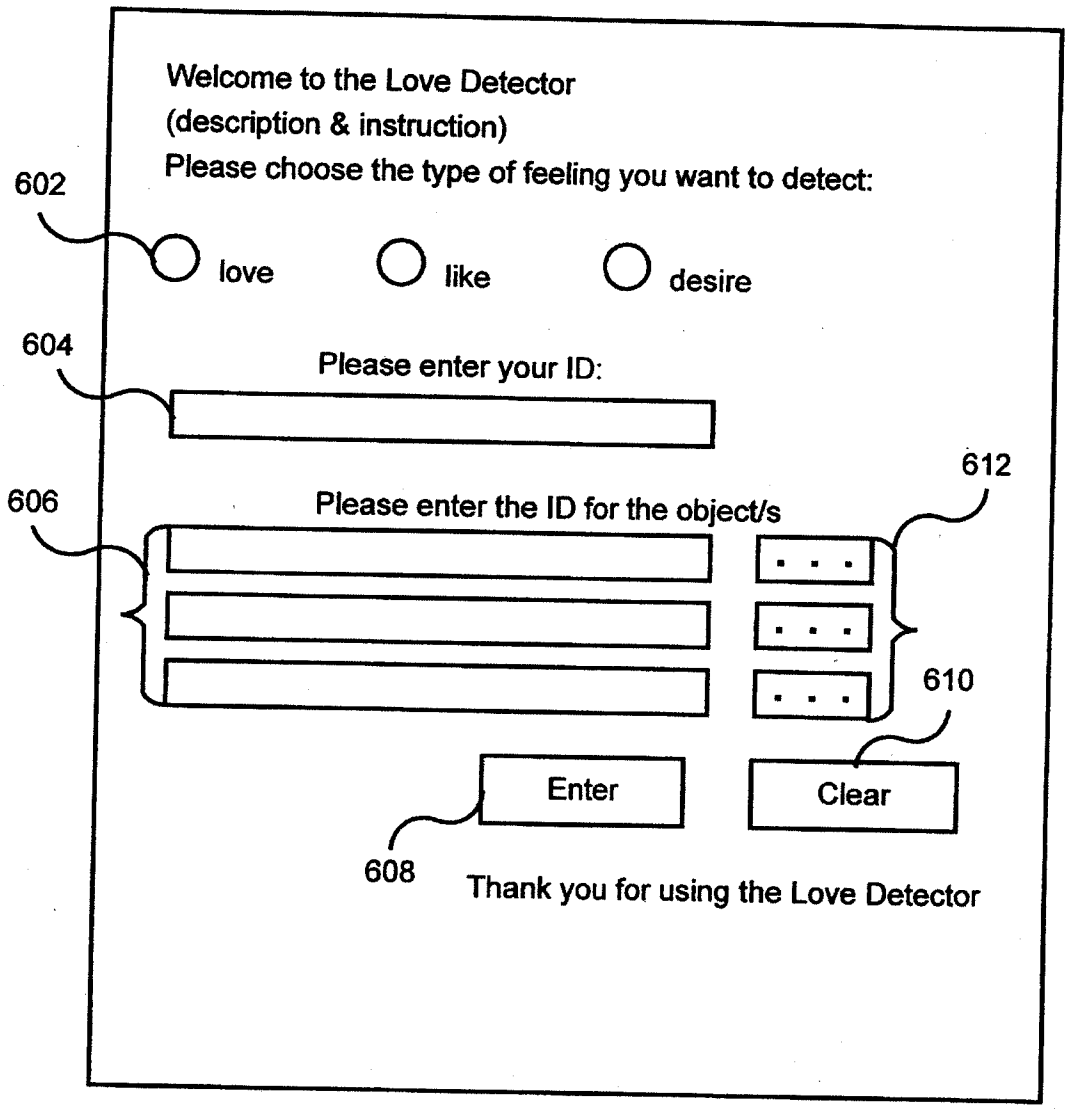

Welcome to the Love Detector
(description & instruction)
Please choose the type of feeling you want to detect:
602
love
like
desire
604
Please enter your ID:
606
Please enter the ID for the object/s
612
610
Enter
Clear
608
Thank you for using the Love Detector

FIG. 6B

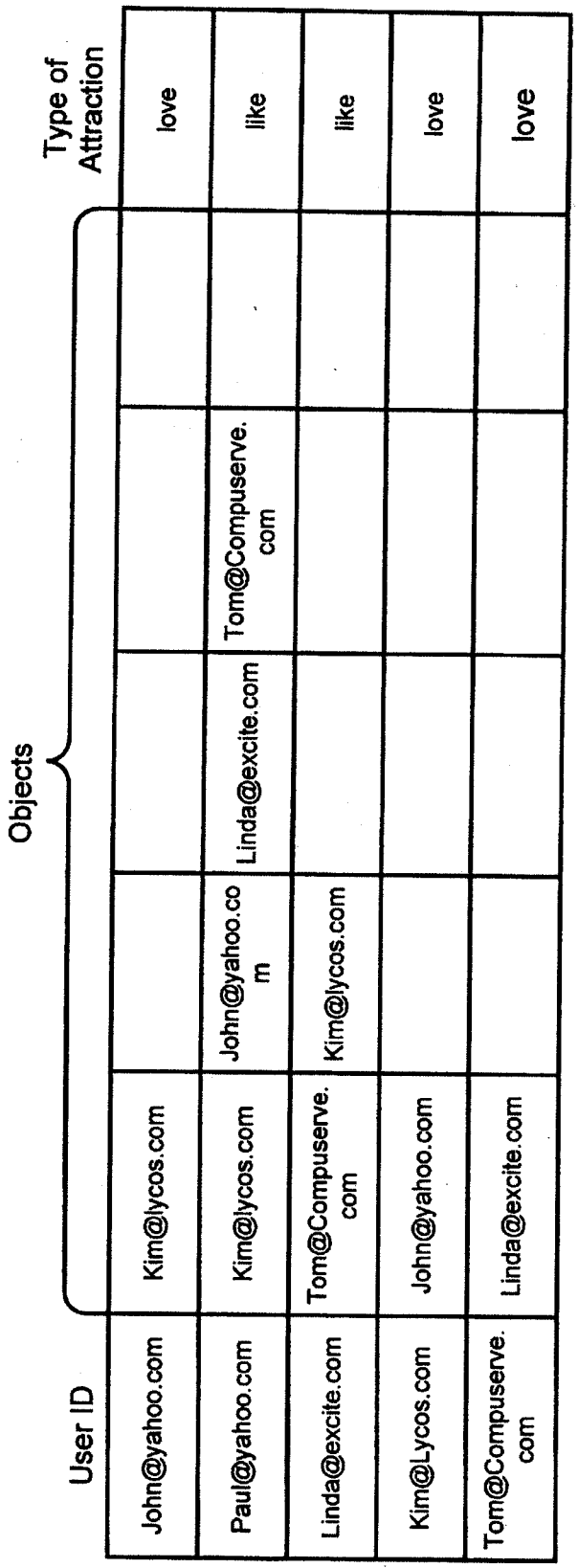

User ID
Objects
Type of Attraction
John@yahoo.com
Paul@yahoo.com
Linda@excite.com
Kim@Lycos.com
Tom@Compuserve.com
Kim@lycos.com
Kim@lycos.com
Tom@Compuserve.com
John@yahoo.com
Linda@excite.com
John@yahoo.com
Kim@lycos.com
Linda@excite.com
Tom@Compuserve.com
love
like
like
love
love

FIG. 7A

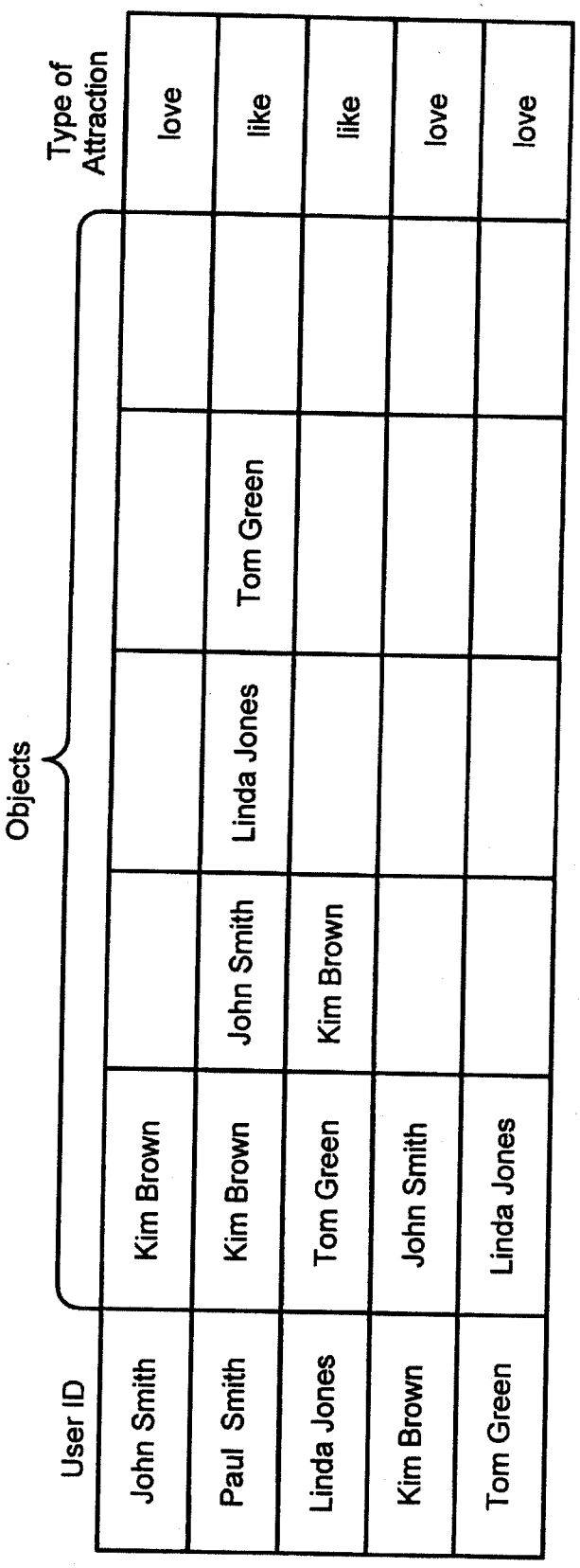

User ID
Objects
Type of Attraction
John Smith
Paul Smith
Linda Jones
Kim Brown
Tom Green
Kim Brown
Kim Brown
Tom Green
John Smith
Linda Jones
John Smith
Kim Brown
Linda Jones
Tom Green
love
like
like
love
love

FIG. 7B

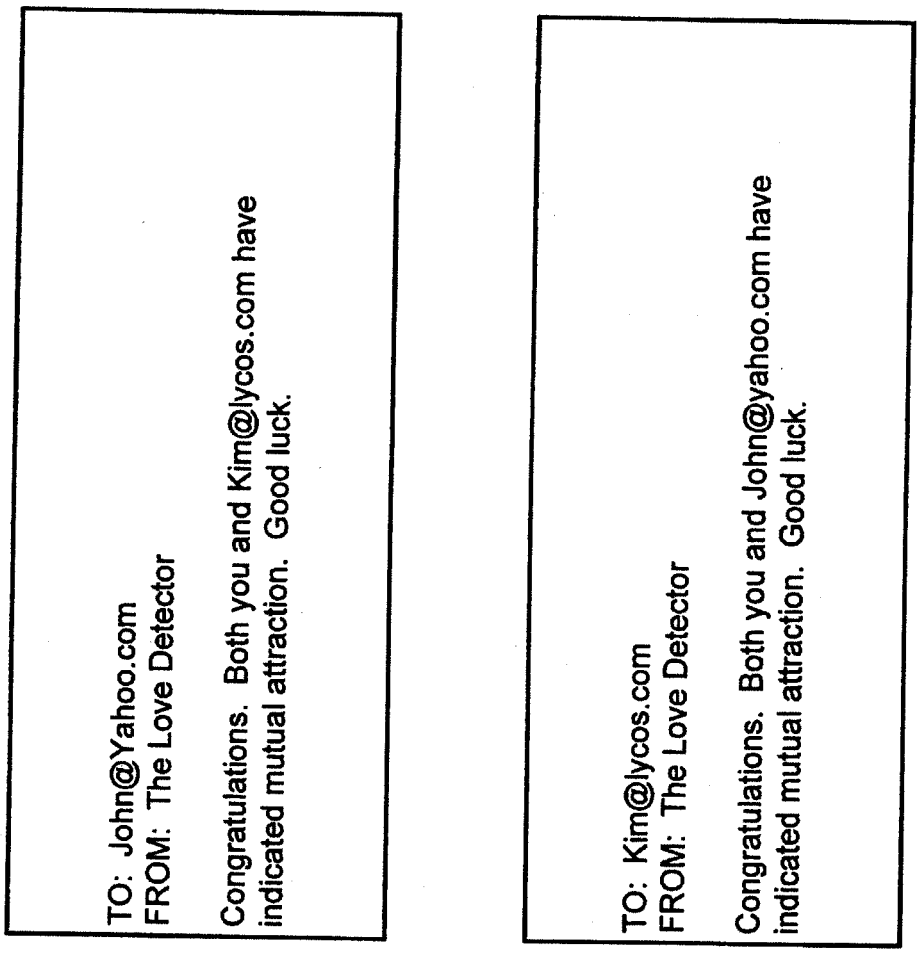
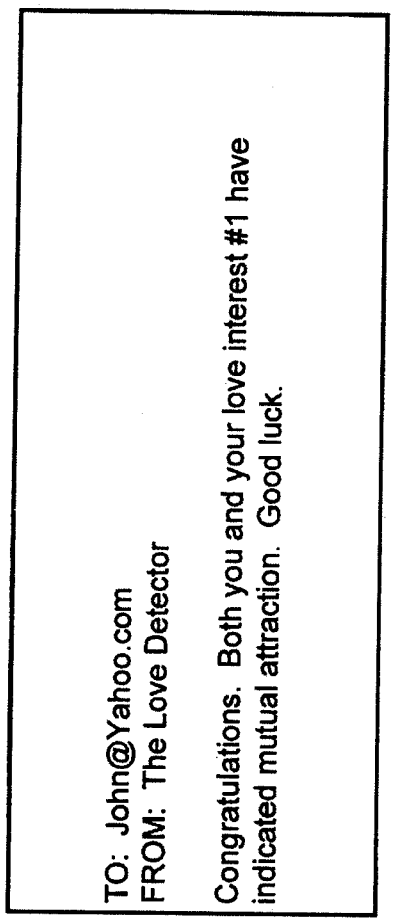

TO: John@Yahoo.com
FROM: The Love Detector
Congratulations. Both you and Kim@lycos.com have indicated mutual attraction. Good luck.
TO: Kim@lycos.com
FROM: The Love Detector
Congratulations. Both you and John@yahoo.com have indicated mutual attraction. Good luck.

FIG. 8A


TO: John@Yahoo.com
FROM: The Love Detector
Congratulations. Both you and your love interest #1 have indicated mutual attraction. Good luck.

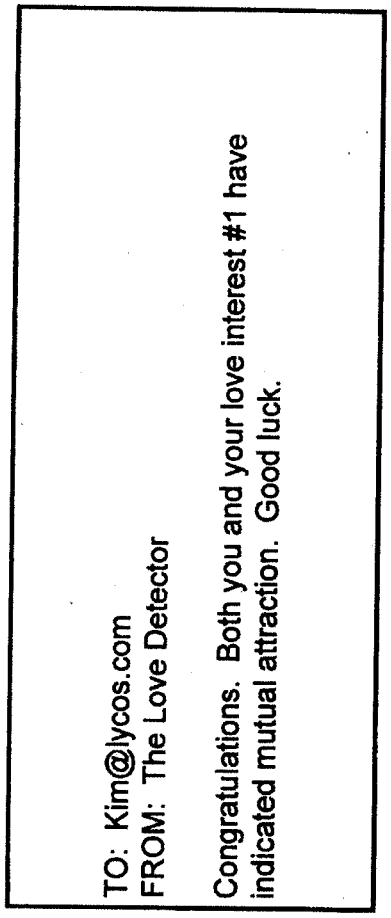

TO: Kim@lycos.com
FROM: The Love Detector
Congratulations. Both you and your love interest #1 have indicated mutual attraction. Good luck.

FIG. 8B

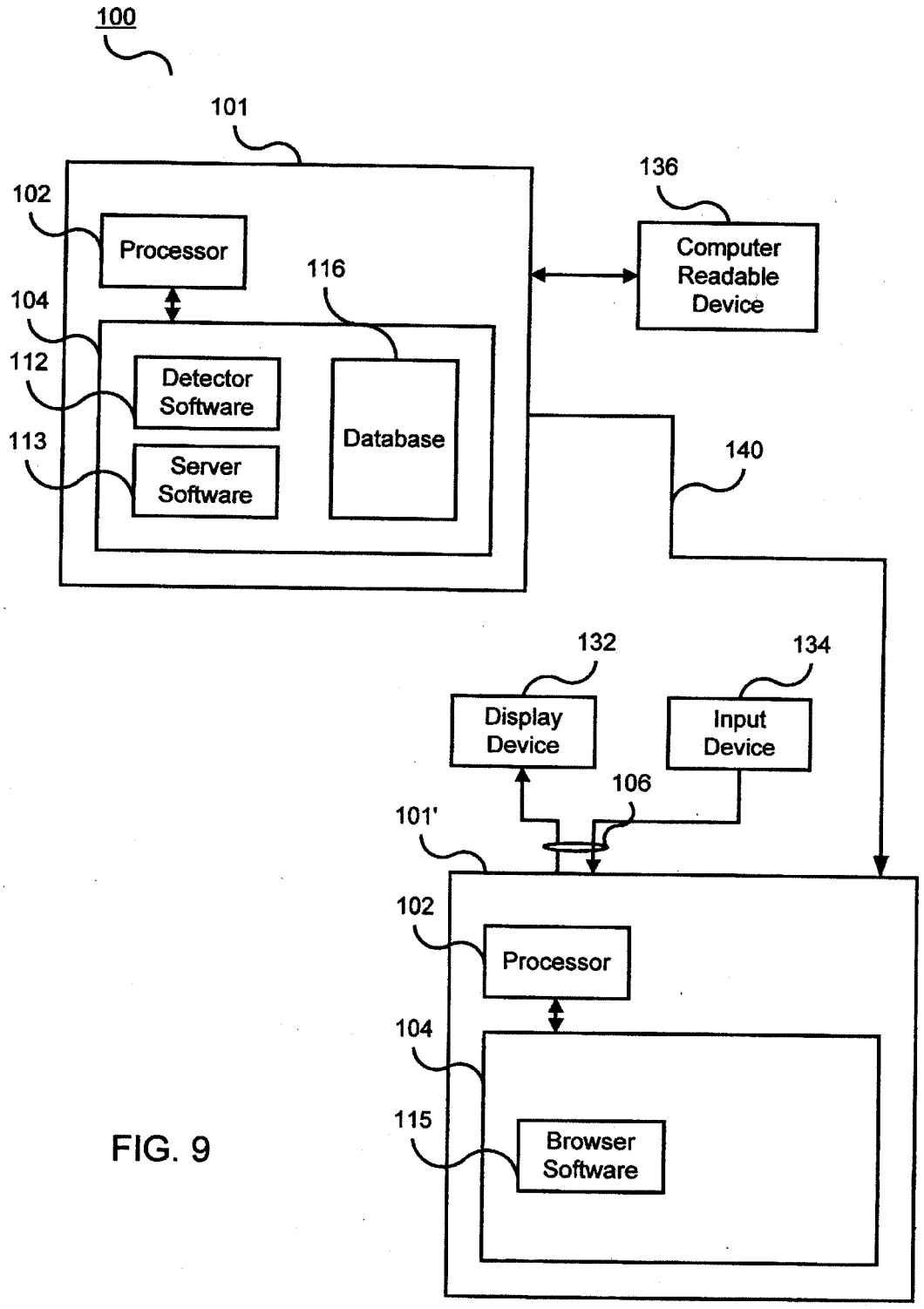

100
101
102
Processor
104
112
Detector Software
113
Server Software
116
Database
136
Computer Readable Device
140
132
Display Device
134
Input Device
106
101'
102
Processor
104
115
Browser Software

FIG. 9

Adoption Diagram

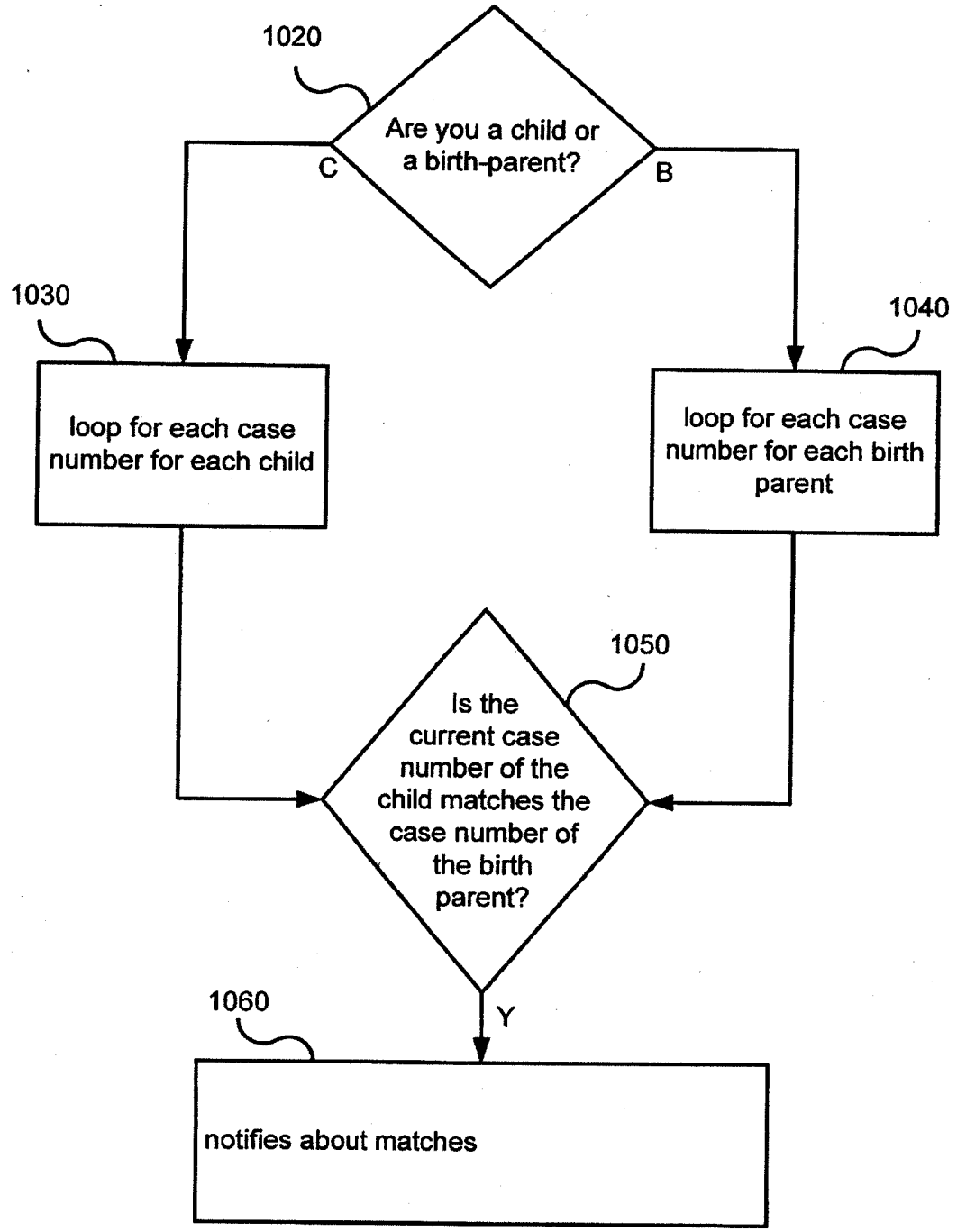


FIG. 10

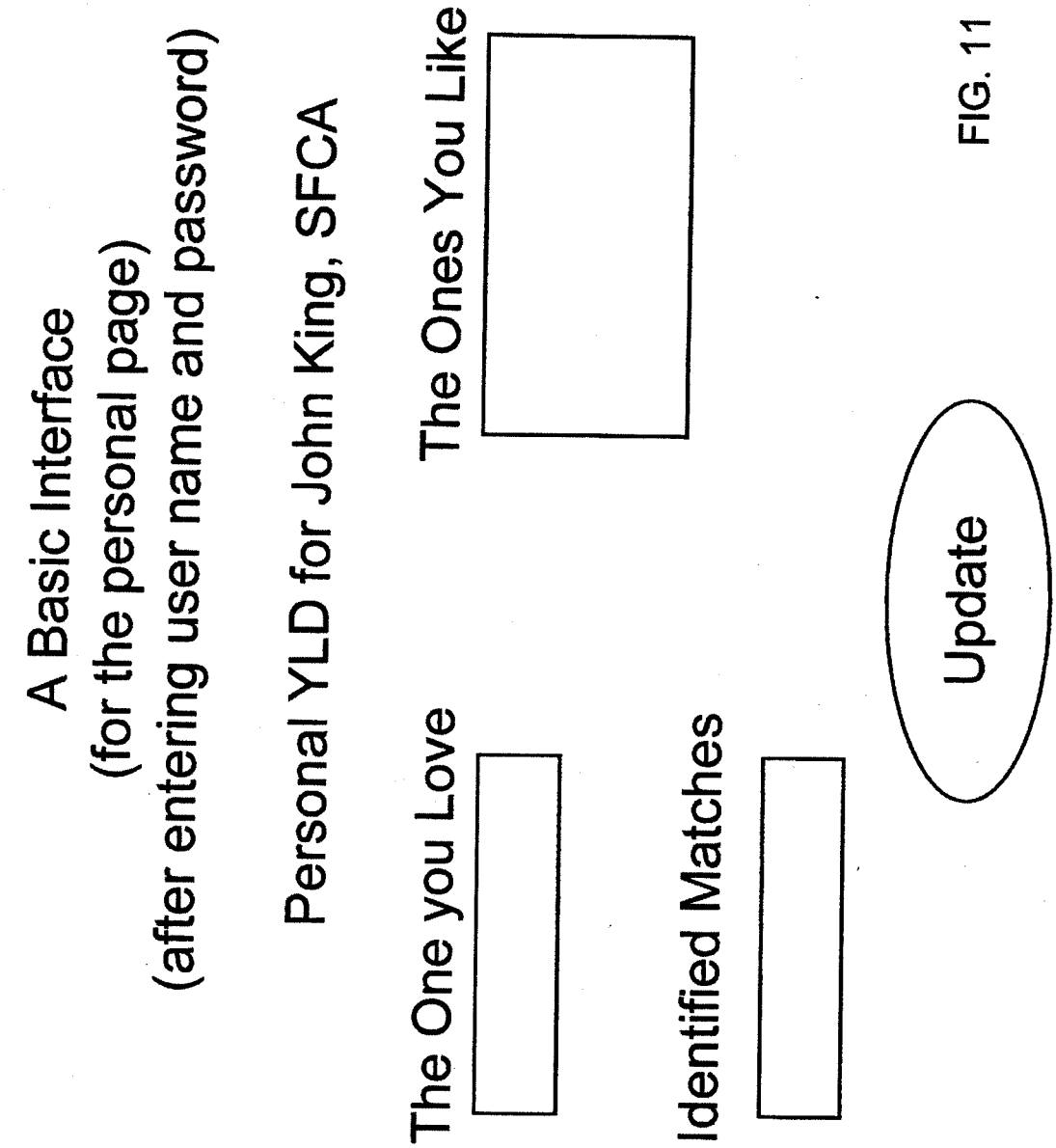

A Basic Interface
(for the personal page)
(after entering user name and password)
Personal YLD for John King, SFCA
The Ones You Like
The One you Love
Identified Matches
Update

FIG. 11

METHOD AND APPARATUS FOR DETECTION OF RECIPROCAL INTERESTS OR FEELINGS AND SUBSEQUENT NOTIFICATION

FIELD OF THE INVENTION

This application relates to computer software and, specifically, to a method and apparatus for confidentially determining matches in feelings and interests entered into the system by human beings and for notifying the human beings only in cases when a mutual match in feelings or interests occurs.

BACKGROUND OF THE INVENTION

Human relationships are often fraught with difficulties. In addition, human beings are risk-adverse. Often, even when two people want to initiate first steps in a relationship, neither person takes action because of shyness, fear of rejection, or other societal pressures or constraints. Various systems exist that help people meet each other. For example, computer dating services allow people to view video tapes or pictures of prospective partners or to choose common areas of hobbies. Two people are introduced only if both agree with the idea. Unfortunately, in such situations, neither person has actually met the other when they are finally introduced. Neither person has ever met the other, and there is a certain amount of shyness and fear of rejection when they first meet in such a situation. In addition, both persons must initially approach the dating service. For some people, such an action can also be embarrassing. What is needed is a safe, simple, confidential, and non-judgmental way for people to reveal their true feelings and interests without risk of embarrassment or rejection.

SUMMARY OF THE INVENTION

The present invention overcomes the problems and disadvantages of the prior art by automating the process of confidentially determining whether two people feel mutual attraction or interest and, further, by automating the process of informing the people involved of such a match in feelings or interests, while maintaining complete anonymity unless a match of feelings or interests occurs.

In a preferred embodiment of the present invention, a computer system receives inputs from various persons indicating the identities of persons they already know (e.g., in person or online) that they like, are attracted to, or have mutual interests with. The system collects this information and searches for matches, i.e., for mutual feelings or interests that have been entered into the system. In a simple case, for example, if A and B know each other, if A enters information saying that A is attracted to B, and B enters information saying that B is attracted to A, then the system determines that a match has occurred and notifies both A and B of the mutual attraction. As a second example, if A and B know each other, if A enters information saying that A has a mutual interest with B, and B enters information saying that B has a mutual interest with A, then the system determines that a match has occurred and notifies both A and B of their shared interest.

Thus, the present invention provides an provides a safe, confidential and non-judgmental way for people to make their feelings and interests known without risk of embarrassment of fear of rejection. The present invention also provides an automatic way of notifying people of shared attraction or interests. The system maintains the anonymity

of the participants because no notification occurs unless the system determines that a match in feelings or interests exists, Thus, in the example, A will not be embarrassed by having to publicly admit unrequited love or attraction for B. If A's feelings are not mirrored by B, the system will not notify B and only the computer system will be aware of A's feelings for B.

In accordance with the purpose of the invention, as embodied and broadly described herein, the invention is a method notifying people that they feel mutual interest, comprising the steps, performed by a processor of a data processing system having a memory, of; receiving input from a first user indicating a user ID of a first object in whom the first user has an interest; receiving input from a second user indicating a user ID of a second object in whom the second user has an interest; determining whether the user ID of the first object matches a user ID of the second user and whether the user ID of the second object matches a user ID of the first user; and if a match occurs in the determining step, notifying the first user and the second user that a match has occurred.

In further accordance with the purpose of this invention, as embodied and broadly described herein, the invention is an apparatus that confidentially notifies people that they feel mutual interest, comprising a first input portion, configured to receive input from a first user indicating a user ID of a first object in whom the first user has an interest; a second input portion, configured to receive input from a second user indicating a user ID of a second object in whom the second user has an interest; a determining portion, coupled to the first and second input portions, configured to determine whether the user ID of the first object matches a user ID of the second user and whether the user ID of the second object matches a user ID of the first user; and a notifying portion, coupled to the determining portion, configured to notify the first user and the second user that the determining portion has detected a match, wherein the determining step is performed at a predetermined interval.

Advantages of the invention will be set forth in part in the description which follows and in part will be obvious from the description or may be learned by practice of the invention. The objects and advantages of the invention will be realized and attained by means of the elements and combinations particularly pointed out in the appended claims and equivalents.

BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying drawings, which are incorporated in and constitute a part of this specification, illustrate several embodiments of the invention and, together with the description, serve to explain the principles of the invention.

FIG. **1** is a block diagram of a computer system in accordance with a preferred embodiment of the present invention.

FIG. **2** is a flow chart showing steps performed in accordance with a preferred embodiment of the present invention to register a new user in the system.

FIG. **3** is a flow chart showing steps performed to allow a human user to register an attraction.

FIGS. **4**(*a*) and **4**(*b*) are flow charts showing steps to detect mutual attraction or interests.

FIG. **5** is an exemplary format of a database used in conjunction with a preferred embodiment of the present invention.

FIGS. **6**(*a*) and **6**(*b*) show examples of a screen shot of a form allowing a user to input an attraction for another person or an interest.

FIGS. **7**(*a*) and **7**(*b*) show examples of database entries representing mutual interest.

FIGS. **8**(*a*) and **8**(*b*) show examples of e-mail messages indicating mutual interest.

FIG. **9** is a block diagram showing an example of the present invention implemented using the World Wide Web.

FIG. **10** is a flow chart showing a method performed to match persons whose interests are in finding their birthparents and in finding children placed for adoption.

FIG. **11** shows an example of a personal Web page used by a preferred embodiment of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Reference will now be made in detail to the preferred embodiments of the invention, examples of which are illustrated in the accompanying drawings. Wherever possible, the same reference numbers will be used throughout the drawings to refer to the same or like parts.

FIG. **1** is a block diagram of a computer system **100** in accordance with a preferred embodiment of the present invention. Computer system **100** includes a processor **102** and a memory **104**. Memory **104** includes detector software **112** and a database **116**. Database **116** contains information relating to attractions and/or interests entered by human beings. System **100** preferably connects to a display device **132**, such as a display screen, and to an input device **134**, such as a mouse or touchpad. Computer system **100** also includes a computer readable device **136**, such as a disk drive or CD ROM device. Detector software **112** is preferably loaded into memory **104** via device **136**.

Computer system **100** is preferably connected to a network, such as the Internet or an intranet via a connection **140**. Computer system **100** includes appropriate software to enable computer system **100** to communicate with other computer systems over connection **140**.

In other embodiments, various functions of detector software **112** may be distributed in various computer systems of the network. An example of a World Wide Web implementation of detector software **112** is shown in FIG. **9**, which is discussed below. It will be understood by persons of ordinary skill in the art that computer system **100** can include additional processors, memory, network connections, I/O devices, software, etc. that are not shown in the Figures for the sake of clarity of example. The present invention can be implemented on a wide variety of hardware, including those shown in FIGS. **1** and **9**, or other suitable hardware configurations, such as network computers (NCs) and systems that bring the World Wide Web to TV.

In an alternate preferred embodiment (not shown), computer system **100** includes an interactive telephone input system (not shown) that allows the user to input attraction or interests to detector software **112** using the keys on a touchtone telephone or a similar device.

The present invention provides a way for people to indicate their mutual attraction or interests without fear of rejection, embarrassment, or public attention. The invention allows people to enter the names (or IDs) of other people for whom they feel love or attraction or with whom they believe they share an interest. These people are called "objects." The system periodically notifies people who are mutually attracted or have mutual interests. The term "interest" includes emotional interests, such as like, love, attraction, or other emotional feelings. The term "interests" also includes non-emotional interests. Examples of persons having non-emotional interests include business people who are interested in pursuing a deal or merger with another business, or persons wishing to enter into any other type of transactions where fear of non-confidentiality, fear of rejection, a wish to avoid publicity, etc. are a factor.

In other embodiments, various functions of detector software **112** may be a part of the Web, an online service such as America Online or Compuserve or part of an interactive telephone system. Thus, the software **112** may be distributed in various computer systems of the network.

FIGS. **2**–**4** are flow charts showing steps performed in accordance with the present invention. The steps of FIGS. **2**–**4** are performed by processor **102** and preferably are implemented as computer instructions of software **112** executed by processor **102**. Each of these flow charts is discussed below in turn.

FIG. **2** is a flow chart showing steps performed in accordance with a preferred embodiment of the present invention to register a new user in the system. The registration operation is generally, but not always, performed. Registration lessens the possibility that people are logging on under false names and increases the security of the system. If, however, the system has only a small number of trusted users, all of whom are known to the system, then it might not be as necessary to register the users.

In step **202**, the detector software determines that a new user wants to register with the system. In step **204**, detector software prompts the user to enter his or her real name and address. In step **206**, a password is assigned to the user and communicated to the user (or the user enters a password). Step **208** stores the user name, and password (and optional personal information) in memory **104**. If a particular implementation of the invention includes a registration procedure, the user will be required to enter his or her password before he or she is able to enter new objects into the database in the future or modify a previous selection. Use of a password makes it less likely that people will log on under a false name and enter false objects into the database. Other ways to authenticate user identity include the use of public/private keys, digital signatures, or biometrics, such as fingerprint or retinal scans. In general, any appropriate method can be used to authenticate users.

FIG. **3** is a flow chart showing steps performed to allow a human user to register love or attraction. In step **302**, the detector software determines that the user wants to enter a new object. For example, the user might select "Enter New Object" from a menu. If the user wants to make new entries, in step **304**, the user is prompted (via display device **132**) to enter his or her user ID. A user ID can take various forms. For example, the user may have been assigned an alphanumeric "handle" or an ID number. Alternately, the user ID may simply be the user's name or e-mail address. A user ID can also be any other type of personal identification, such as social security number, drivers license number, telephone number. A user ID can also be any of the above, with a geographic identifier (e.g., "gil sudai san francisco california"). Alternately, the geographic identifier can be considered a part of the user ID. It is important to note, however, that the ID used (e.g., user name) be known to the other users so that the users can enter the ID(s) into the system. Alternately, any suitable identifier can be used as a user ID.

As discussed above, the user may also be prompted to enter a password (or chooses a password) before he or she is allowed to enter new objects. Step **306** prompts the user to enter the user IDs of one or more "objects." A first

implementation requires the user to type the ID(s) of the objects. In such a system, the identities of the users are not revealed to other users. Another implementation allows the user to select objects from a list of all possible objects (see areas **612** on FIG. **6**(*b*)). In such a system, the identities of the users are revealed to other users.

Step **306** also allows users to indicate the type of attraction or interest he or she feels for his or her objects. For example, if the system allows the user to enter an attraction, the user can indicate whether he or she feels "love," "like," or "desire" for the objects. In a preferred embodiment, the user must choose these types from a predetermined list. Some implementations only have a single type of attraction. Other implementations default to "like." The present invention may be implemented using any appropriate numbers and types of attraction.

FIGS. **6**(*a*) and **6**(*b*) show examples of a computer screen of a form allowing a user to input an attraction for another person. The example of FIG. **6**(*a*) shows a "Web form" displayed on display device **132** by browser **115** of FIG. **9**. This form can be implemented using HTML, Java, or any other suitable method. The user uses input device **134** of FIG. **9** to enter information and browser software **115** sends the information to server software **113**, where it is passed to detector software **112**. As discussed above, any appropriate technology can be used to implement the present invention.

In FIG. **6**(*a*), the user chooses between "love," "like," and "desire" **602**. The user enters his or her ID in area **604**. The user enters one or more objects in area **606**. After inputting entries in areas **602**, **604** and **606**, the user can either "enter" the information by clicking on area **608** or clear the information by clicking on area **610**. If the user indicates that the information should be entered, step **308** makes an entry in the database including the user ID, the user ID of the objects, and the types of attraction (if applicable).

An alternate embodiment does not use a "prompt and enter" model, but instead allows the user to register and to input his or her objects using e-mail. Instead of being prompted for the information shown in FIG. **6**, the user sends an e-mail message to the detector software **112**, where the e-mail message contains the user's ID, the IDs of the user's object(s) of attraction, and the type of attraction (if applicable).

Still another preferred embodiment allows the user to enter his or her ID and attraction or interest using an interactive telephone system. In this embodiment, the user calls a predetermined telephone number and is asked by a prerecorded message to enter his or her user ID using the keypad of their telephone (this could be, for example, a telephone number or any other type of appropriate user ID). The user is then prompted to enter the user ID of a person to whom he or she is attracted (or shares interests). The system then prompts the user to enter a type of interest of attraction. For example, the system may prompt "for liking, press one, for desire, press two." Once the user has entered information using such an interactive telephone system, detection and notification proceed in any of the ways described herein.

A preferred embodiment of the invention also allows the user to delete and change his or her objects. If the user indicates that a previously entered object should be deleted (and enters a correct password if required), the object is deleted from the database.

FIG. **4**(*a*) is a flow chart showing steps to detect mutual love or attraction. In a preferred embodiment of the invention, detector software **112** periodically performs the steps of FIG. **4**(*a*). For example, the steps may be performed once a day. In an alternate embodiment, the determining step is performed each time a user enters objects. In an alternate embodiment, the steps may be performed at a predetermined "notification time" such as every Monday morning between 8am and 9am. Steps **404** through **414** represent a loop performed for each user ID in the database. Steps **406** through **412** represent a loop performed for each object for the current user ID.

It should be understood that, although the described system detects matches for two persons, the system can be expanded to detect matches among any number of persons.

FIG. **5** shows an exemplary format of a database used in conjunction with the described embodiment. It will be understood that the format shown is provided only for the purposes of example and that any appropriate database and database format can be used to implement the present invention. Each entry in the database **116** includes a user ID, and one or more user IDs of objects. Each entry in the database can also include a single type of attraction or interest for all objects in the entry or can contain a type of attraction or interest for each object in the entry. Some implementations have predetermined number of objects per user ID. Other implementations allow an unlimited number of objects.

In the described embodiment, it is known that each current user is attracted to (or has mutual interests with) his or her object(s). Step **408** of FIG. **4**(*a*) determines whether the current object is also attracted to (or has mutual interests with) the current user ID. If the database has a field indicating a type of attraction or interest, then step **408** also checks whether the type of attraction or interest indicated by the user and the object is the same. In some implementations, the type of attraction or interest must match. In other implementations, all types match all types. In still other implementations, each user may indicate whether he or she wants to consider types of attractions or interests in determining whether a match has occurred.

FIG. **7**(*a*) shows an example of a match where the user IDs are e-mail addresses and the types of attraction must match. In FIG. **7**(*a*), a user having the user ID "john@yahoo.com" (his e-mail address) has indicated that he loves a user having a user ID of "kim@lycos.com." Conversely, "kim@lycos.com" has indicated a feeling of love for "john@yahoo.com." Thus, a match occurs and both parties are notified as discussed below. In FIG. **7**(*a*), Tom and Linda entered each other's IDs, but indicated different types of attraction, so no match occurred. In other implementations, Tom and Linda would also match, even though they indicated different types of attractions. FIG. **7**(*b*) shows an example of a match where the user IDs are the full names of the users. Again. John Smith and Kim Brown match.

FIG. **4**(*b*) shows another preferred embodiment having three loops. In this embodiment, each type of attraction or interest is stored in a different database. In FIG. **4**(*b*), the third loop is for each type of attraction or interest database. In this embodiment, both the user and the object must have indicated the same type of attraction or interest for a match to have occurred.

If a match occurs, step **410** notifies the user and object that a match has occurred. As discussed below, this notification can take place in various ways. (A preferred embodiment checks to determine that only one notification occurs for each user/object pair). FIGS. **8**(*a*) and **8**(*b*) show examples of e-mail messages notifying the users of FIG. **7** of a mutual

attraction Similar messages would be used to notify users of a mutual interest. In the messages of FIG. **8**(*a*), the notification message identifies the users to each other by their user ID. In this example, the users may or may not know each other's true names. They are able to contact each other by e-mail and arrange a meeting if they so desire.

In another preferred embodiment, shown in FIG. **8**(*b*) notification may not include the ID of the objects, but may state only, for example, that "your object #X has indicated mutual interest." This increases security because only the user receiving the e-mail knows the identity of his "object #X." (In some systems, the user also can check the system to verify the identity of his various objects).

In a preferred embodiment, notification preferably is performed simultaneously for both parties, once a match is discovered. In an alternate embodiment, both parties have previously agreed that one of the parties wants to be surprised, and notification is not simultaneous. For example, both a man and a woman may have agreed when they registered that the man will be notified **24** hours ahead of the woman when a match occurs. Thus, the man can initiate personal contact with his object once he is notified of the match. Some persons may prefer this alternative, if they both believe that men should make the initial move.

In another preferred embodiment, notification can be performed by an automatic telephone call made by the computer system **100**; the World Wide Web (via a personal page or a general page using a user's ID and password); any other method of online communication; or any other appropriate notification method.

In addition, detector software **112** can include subsections which would work independently and which would be defined by one or more of the following:

the geographic location (e.g., a sub-system that matches only users in the San Francisco area)

the type of user (e.g., a sub-system that would only match high school students with high school students, university students with university student, club members with club members, etc.)

An alternate embodiment is implemented for a "private label," such as specifically for users belonging to a club, a company, a school, restaurant, bar, or another entity. For example, the users may enter their attractions and/or interests via a Web page that requires a password to gain access. Other implementations would only match club or group members with other club or group members.

Alternate embodiments of the present invention implement "rules" included, for example, in software **112**, such as:

a person can choose only one "love" object and will not be able to change this object for at least one month.

a person can choose up to five "like" objects and is able to change any one of the objects at any time.

Such rules are implemented as computer instructions executed when the user is entering new objects.

FIG. **10** is a flow chart showing a method performed to match persons whose interests are in finding their birthparents and in finding children placed for adoption. This is a special case of the general "interest matching and notification" method described above. The adoption detector system detects and notifies persons who gave children up for adoption (the "birth parent") and the children adopted (the "child").

One implementation of such a system detects and notifies both parties when the parties know each other's name (or when the birthname of the child is known). Such a system detects matches similarly to the detection of mutual attraction or interests described above: When A enters B's name and B enters A's name, the system determines that the two people want to contact each other and notifies them in any of the manners described above.

In another implementation, each adoption file is assigned a case number. If two persons enter the same case number, then notification occurs using any of the methods described above.

In another implementation, the birthparent and child each separately registers his or her name is a database, where it is stored along with a case number for the adoption (Such as system requires that the registrant's case number already be stored in the system.). As shown in FIG. **10**, if both the birthparent and the child have registered, this fact is determined in step **1050**. If a match is detected, both parties are notified of the match in any of the manners described above. Such notification may indicate merely that a birthparent/child match has occurred and that the parties should now indicate a level of contact with which they feel comfortable. Other notification methods notify the birthparent/child of each others names, addresses, or other suitable contact information. Note that the adoption detector maintains anonymity of the birthparent and the child and does not notify either party unless it detects that there is mutual interest.

FIG. **11** shows an example of a personal Web page used by a preferred embodiment of the present invention to receive input from a user. This is yet another method of combining the entry of input by users and notification to users that can be used with any of the variations of the present invention described herein. The user enters the names of the person(s) to whom he or she is attracted or shares interests. At notification time, the system modifies the personal pages of the user and his object to display the IDs of the persons who entered mutual attraction (or interests). Thus, a user simply looks at his or her personal Web page (using a browser) to determine whether any matches occurred.

Other embodiments will be apparent to those skilled in the art from consideration of the specification and practice of the invention disclosed herein. It is intended that the specification and examples be considered as exemplary only, with a true scope of the invention being indicated by the following claims.

What is claimed is:

1. A method that notifies people that they feel reciprocal interest for each other, comprising the steps, performed by a processor of a data processing system having a memory, of:

receiving input from a first user indicating a user ID of a specific person in whom the first user has an interest, the first user already being aware of the existence of the person whose ID they entered;

receiving input from a second user indicating a user ID of a specific person in whom the second user has an interest, the second user already being aware of the existence of the person whose ID they entered;

determining whether the user ID of the person in whom the first user has an interest matches a user ID of the second user;

determining whether the user ID of the person in whom the second user has an interest matches a user ID of the first user; and

if and only if a match occurs in both of the determining steps, notifying the first user and the second user that a match has occurred.

2. The method of claim **1**, wherein the determining steps are performed at a predetermined interval.

3. The method of claim 1, where the determining steps are performed immediately after receiving user input.

4. The method of claim 1, where the determining steps and the notification step are performed at a predetermined "notification time."

5. The method of claim 1, wherein if the first user's feelings are not mirrored by the second user, the system will not notify either user and only the computer system will be aware of the first user's feelings for the second user.

6. The method of claim 1, wherein the step of receiving input from a first user indicating a user ID of a person includes receiving input from the first user through the World Wide Web.

7. The method of claim 1, wherein the step of receiving input from a first user indicating a user ID of a person includes receiving input from the first user by way of e-mail.

8. The method of claim 1, wherein the step of receiving input from a first user indicating a user ID of a person includes receiving input from the first user by way of an interactive telephone system.

9. The method of claim 1, wherein the step of receiving input from a first user indicating a user ID of a person includes receiving input from the first user by way of software executing on an online service.

10. The method of claim 1, wherein the step of receiving input from a first user indicating a user ID of a person includes receiving input from the first user by way of software executing on another data processing system in a network.

11. The method of claim 1, further comprising the steps of:

registering the first user; and

assigning a password to the first user.

12. The method of claim 1,

wherein the first and second users also enter a type of attraction and

wherein the determining steps determine that a match has occurred only when the first and second users also enter the same type of attraction.

13. The method of claim 1,

wherein the first and second users also enter a type of attraction, and

wherein the determining steps determine that a match has occurred no matter what types of attraction the first and second users enter.

14. The method of claim 1, wherein the first and second user IDs are one of the group including: a user name, an e-mail address, a social security number, a drivers license number, a telephone number, a name, a name with a geographic location, and a public key.

15. The method of claim 1, wherein the first and second user IDs also include a geographic designation.

16. The method of claim 1, further comprising the step of:

receiving, from the first user and the second user a type of attraction, including one of "love," "like," and "desire."

17. The method of claim 1, wherein at least one of the first user or the second user enters the ID of more than one person in whom they have an interest.

18. The method of claim 1, wherein the notification step automatically sends an e-mail message to the first user and the second user notifying them that a match has occurred.

19. The method of claim 1, wherein the notification step automatically places a telephone call to the first user and the second user notifying them that a match has occurred.

20. The method of claim 1, wherein the notification step automatically displays notifications on a personal Web pages

of the first and of the second users, notifying them that a match has occurred.

21. The method of claim 1, wherein the step of receiving input from the first user further includes the step of implementing a rule about how many persons can be chosen for each type of attraction.

22. The method of claim 1, wherein the step of receiving input from the first user further includes the step of implementing a rule concerning the frequency with which persons can be changed by the users.

23. The method of claim 1, wherein the method is implemented for users of a specific geographic location.

24. The method of claim 1, wherein the method is implemented for users who belong to a specific institution.

25. The method of claim 1, wherein the method is implemented for users who are affiliated with a specific organization.

26. The method of claim 1, wherein the first user is a birthparent and the second user is an adopted child.

27. The method of claim 1, further comprising:

in response to the data processing system receiving the input of the first user, which indicates interest in the second user, but before receiving the input of the second user, sending a prompt to the second user that someone has indicated interest in the second user, without saying who it was that indicated interest, thereby prompting the second user to enter one or more IDs of people in whom the second user has an interest.

28. An apparatus that notifies people that they feel reciprocal interest for each other, comprising:

a first input portion, configured to receive input from a first user indicating a user ID of a specific person in whom the first user has an interest, the first user already being aware of the existence of the person whose ID they entered;

a second input portion, configured to receive input from a second user indicating a user ID of a specific person in whom the second user has an interest, the second user already being aware of the existence of the person whose ID they entered;

a first determining portion, coupled to the first and second input portions, configured to determine whether the user ID of the person in whom the first user has an interest matches a user ID of the second user;

a first determining portion, coupled to the first and second input portions, configured to determine whether the user ID of the person in whom the second user has an interest matches a user ID of the first user; and

a notifying portion, coupled to the first and second determining portions, configured to notify the first user and the second user if and only if the first and second determining portions have detected a match.

29. An apparatus that notifies people that they feel reciprocal interest for each other, comprising:

means for receiving input from a first user indicating a user ID of a specific person in whom the first user has an interest, the first user already being aware of the existence of the person whose ID they entered;

means for receiving input from a second user indicating a user ID of a specific person in whom the second user has an interest, the second user already being aware of the existence of the person whose ID they entered;

means for determining whether the user ID of the person in whom the first user has an interest matches a user ID of the second user and for determining whether the user ID of the person in whom the second user has an interest matches a user ID of the first user; and

means for, coupled to the determining means, if and only if a match occurs in both of the determining means, notifying the first user and the second user that a match has occurred.

30. The apparatus of claim **28**, further comprising:

a portion configured to send, in response to the apparatus receiving the input of the first user, which indicates interest in the second user, but before receiving the input of the second user, to send a prompt to the second user that someone has indicated interest in the second user, without saying who it was that indicated interest, thereby prompting the second user to enter one or more IDs of people in whom the second user has an interest.

31. A computer program product, comprising:

a computer usable medium having computer readable code embodied therein for notifying people that they feel reciprocal interest for each other, including:

computer readable program code devices configured to cause a computer to effect receiving input from a first user indicating a user ID of a specific person in whom the first user has an interest, the first user already being aware of the existence of the person whose ID they entered;

computer readable program code devices configured to cause a computer to effect receiving input from a second user indicating a user ID of a specific person in whom the second user has an interest, the second user already being aware of the existence of the person whose ID they entered;

computer readable program code devices configured to cause a computer to effect determining whether the user ID of the person in whom the first user has an interest matches a user ID of the second user;

computer readable program code devices configured to cause a computer to effect determining whether the user ID of the person in whom the second user has an interest matches a user ID of the first user; and

computer readable program code devices configured to cause a computer to effect, if and only if a match occurs in both of the programming code devices, notifying the first user and the second user that a match has occurred.

* * * * *

Exhibit E

https://itunes.apple.com/us/app/jswipe/id820789008?ls=1&mt=8
JSwipe on the App Store on...
File Edit View Favorites Tools Help

JSwipe

By Smooch Labs

Open iTunes to buy and download apps.

View More by This Developer

View in iTunes

Free

Category: Lifestyle
Updated: Nov 01, 2014
Version: 2.6
Size: 13.2 MB
Languages: English, Bokmål, Norwegian, Catalan, Czech, Danish, Dutch, French, German, Greek, Hebrew, Indonesian, Italian, Japanese, Korean, Norwegian Nynorsk, Polish, Portuguese, Russian, Simplified Chinese, Spanish, Swedish, Traditional Chinese, Turkish, Ukrainian, Vietnamese
Seller: Smooch Labs Inc.
© 2014 Smooch Labs
You must be at least 17 years old to download this app.
Infrequent/Mild Simulated Gambling
Frequent/Intense Mature/Suggestive Themes

Compatibility: Requires iOS 7.0 or later. Compatible with iPhone, iPad, and iPod touch. This app is optimized for iPhone 5.

Customer Ratings

Current Version:

Description

JSwipe is the #1 Jewish dating app with users in over 70 countries! We make finding that someone you take home for matzo ball soup as fun as it *should* be. Find your long lost love from summer camp!

Smooch Labs Web Site › JSwipe Support ›

...More

What's New in Version 2.6

Now you can update your profile with latest Facebook interests by going into your Profile and tapping "Update Interests From Facebook"

...More

iPhone Screenshot

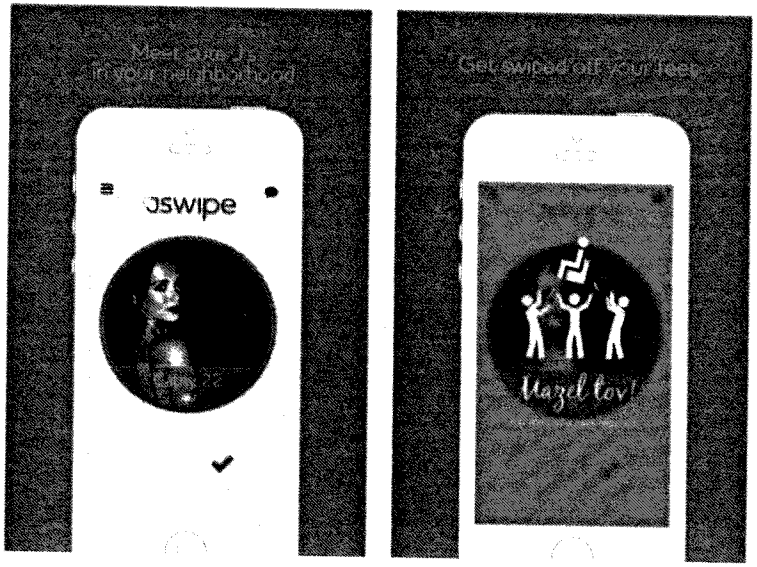


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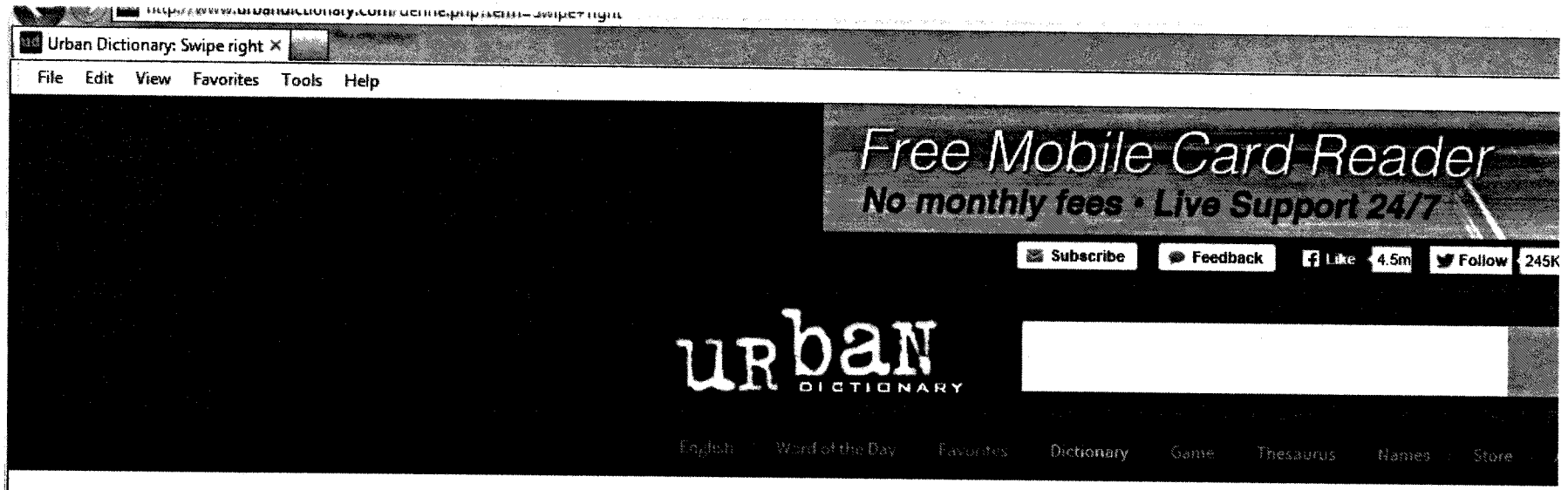
Exhibit F



random A B C D E F G H I J K L M N O P Q R S T U V

Swipe right

(verb) A phrase used to describe your acceptance of something. The term was originally a reference to the Tinder app. On Tinder, swiping right means you approve of a male/female after judging them by a few picture and a short bio. "Swipe right" can be used anytime you make a good choice or approve of something.

Original usage:

That girl Hannah over there is really hott. I would definitely swipe right on her.

Other uses:

*"These burritos are so good! I'm glad we swiped right on **Chipotle**.*

Tom: Did you see the trailer for that new video game?
Dan: Swipe right!

Dana: How do you feel about Nic Cage?
*Peter: Swipe right!.. **No homo**.*

by Normal Dan October 09, 2014

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