

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HBAC MATCHMAKER MEDIA, INC.,)
)
 Plaintiff,)
)
 v.) Civ. No. 13-428-SLR
)
 CBS INTERACTIVE INC.,)
)
 Defendant.)

HBAC MATCHMAKER MEDIA, INC.,)
)
 Plaintiff,)
)
 v.) Civ. No. 13-430-SLR
)
 BRAVO MEDIA LLC; NBC)
 ENTERTAINMENT AND UNIVERSAL)
 TELEVISION NETWORKS,)
)
 Defendants.)

HBAC MATCHMAKER MEDIA, INC.,)
)
 Plaintiff,)
)
 v.) Civ. No. 13-433-SLR
)
 ESPN, INC.; DISNEY ONLINE;)
 AMERICAN BROADCASTING)
 COMPANIES INC.,)
)
 Defendants.)

HBAC MATCHMAKER MEDIA, INC.,)
)
Plaintiff,)
)
v.)
)
CARTOON INTERACTIVE GROUP)
INC.; CNN INTERACTIVE GROUP)
INC.; TNT INTERACTIVE GROUP)
INC.,)
)
Defendants.)

Civ. No. 13-434-SLR

HBAC MATCHMAKER MEDIA, INC.,)
)
Plaintiff,)
)
v.)
)
UNIVISION INTERACTIVE)
MEDIA, INC.,)
)
Defendant.)

Civ. No. 13-435-SLR

HBAC MATCHMAKER MEDIA, INC.,)
)
Plaintiff,)
)
v.)
)
VIACOM INTERNATIONAL INC.,)
)
Defendant.)

Civ. No. 13-437-SLR

HBAC MATCHMAKER MEDIA, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 13-438-SLR
)	
YAHOO! INC.,)	
)	
Defendant.)	

ORDER

At Wilmington this ~~18~~¹⁵th day of November, 2013, having considered defendants CBS Interactive Inc., NBC Entertainment, a division of NBC West, LLC, Bravo Media LLC, Universal Television Networks, Disney Online, ESPN, Inc., American Broadcasting Companies, Inc., CNN Interactive Group, Inc., TNT Interactive Group, Inc., Cartoon Interactive Group, Inc., Univision Interactive Media, Inc., Viacom International Inc., and Yahoo! Inc.'s ("defendants") motion for an order of sanctions and dismissal pursuant to Federal Rule of Civil Procedure 11 (D.I. 16),¹ and the papers submitted therewith;

IT IS ORDERED that said motion is denied as follows:

1. **Background.** On March 15, 2013, plaintiff HBAC Matchmaker Media, Inc. ("plaintiff") filed complaints in the above captioned actions against multiple entities alleging infringement of U.S. Patent Nos. 5,774,170 ("the '170 patent") and 6,002,393 ("the '393 patent") (collectively, "the patents-in-suit"). (D.I. 1) Defendants filed answers to the complaints and counterclaimed against plaintiff for non-infringement and invalidity. (D.I. 10) Plaintiff answered the counterclaims on July 5, 2013. (D.I. 15)

2. The '170 patent, System and Method for Delivering Targeted Advertisements

¹Citations to D.I. # are to Civ. No. 13-428-SLR.

to Consumers, issued June 30, 1998, and the '393 patent, System and Method for Delivering Targeted Advertisements to Consumers Using Direct Commands, issued December 14, 1999. The patents-in-suit are directed to delivering targeted advertising in the context of television and radio. ('393 patent, 1:5-10; '170 patent, 1:5-10) The '393 patent refers in a preferred embodiment to a "television receiver, VCR, display device set-top-box or modular decoder associated with the video provider (cable, DBS, telephone, etc.)." ('393 patent, 5:4-7) The '170 patent references cable systems, video on demand, and pay per view programming. ('170 patent, 2:17-60)

3. On May 30, 2013, defendants' counsel wrote to plaintiff requesting that it withdraw the claims, as plaintiff's "complaints focus on websites, [while] the patents-in-suit are clearly directed to targeted advertising in the context of television and radio." (D.I. 17 at 1) Defendants further stated that plaintiff's complaint was indiscriminately directed towards "any website capable of delivering targeted advertisements without considering the specific limitations recited in the claims or conducting an adequate pre-filing investigation to determine whether the accused systems provide targeted advertisements in the claimed manner." (*Id.* at 1-2) On June 11, 2013, plaintiff's counsel responded, but did not withdraw the complaints. (*Id.* at 2) Thereafter, defendants complied with the requirements of Federal Rule of Civil Procedure 11 and, after further discussions with plaintiff, filed the instant motion. (D.I. 16; D.I. 17 at 3) On September 11, 2013, the court ordered plaintiff to submit materials relied upon in performing its pre-filing investigation for in camera review.

4. **Standard.** Rule 11 of the Federal Rules of Civil Procedure allows a court to sanction a party or attorneys under limited circumstances. A court can award sanctions

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