



enforce and/or litigate the Patents-in-Suit in fields other than the Level 3 Exclusive Field (the “PersonalWeb Patent Field”).

3. All infringement allegations, statements describing PersonalWeb, statements describing any Defendant (or any Defendants products) and any statements made regarding jurisdiction and venue are made by PersonalWeb alone, and not by Level 3. PersonalWeb alleges that the infringements at issue in this case all occur within, and are limited to, the PersonalWeb Patent Field. Accordingly, PersonalWeb has not provided notice to Level 3—under Section 6.4.1 of the Agreement or otherwise—that PersonalWeb desires to bring suit in the Level 3 Exclusive Field in its own name on its own behalf or that PersonalWeb knows or suspects that Defendants are infringing or have infringed any of Level 3’s rights in the patents.

#### **THE PARTIES**

4. Plaintiff PersonalWeb Technologies, LLC is a limited liability company duly organized and existing under the laws of Texas with its principal place of business in Tyler, Texas.

5. Plaintiff Level 3 Communications, LLC is a limited liability company organized under the laws of Delaware with its principal place of business at 1025 Eldorado Boulevard, Broomfield, CO 80021.

6. PersonalWeb’s infringement claims asserted in this case are asserted by PersonalWeb and all fall outside the Level 3 Exclusive Field. Level 3 is currently not asserting patent infringement in this case in the Level 3 Exclusive Field against any Defendant.

7. PersonalWeb is informed and believes, and on that basis alleges, that Google Inc. (“Google”) is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

8. PersonalWeb is informed and believes, and on that basis alleges, that YouTube, LLC (“YouTube”), a wholly owned subsidiary of Google, is a limited liability company duly organized and existing under the laws of the state of California, with its principal place of business at 901 Cherry Avenue, San Bruno, CA 94066.

### **JURISDICTION AND VENUE**

9. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

10. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

11. Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling PersonalWeb to relief.

12. Google and YouTube are properly joined in this action because YouTube is a wholly owned subsidiary of Google and Google owns the YouTube Web site, which offers the infringing Content Management System.

### **PERSONALWEB BACKGROUND**

13. PersonalWeb draws on its proprietary technology to innovate and develop software products, including a social learning platform and digital content management system.

14. PersonalWeb’s software technology enhances the delivery of relevant content by using natural language and semantic analysis. Utilizing this technology, PersonalWeb has developed a product called StudyPods, which enables students to connect and collaborate online.

15. PersonalWeb also develops the Global File Registry digital content management system, an online database containing unique identifiers of millions of files collected on behalf of content owners and others. The registry is capable of identifying files that infringe copyrights and replacing them with other content.

**INFRINGEMENT OF U.S. PATENT NO. 5,978,791**

16. On November 2, 1999, United States Patent No. 5,978,791 (the “’791 patent”) was duly and legally issued for an invention entitled “Data Processing System Using Substantially Unique Identifiers to Identify Data Items, Whereby Identical Data Items Have the Same Identifiers.” PersonalWeb has an ownership interest in the ’791 patent by assignment, including the exclusive right to enforce the ’791 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the ’791 patent. A true and correct copy of the ’791 patent is attached hereto as Exhibit A.

17. Google has infringed and continues to infringe the ’791 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Google’s Query-Serving System and Google’s file system and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Google’s file system includes but is not limited to the lowest layer storage systems as well as the intermediate layer storage systems where server and client software stores and retrieves data files for archiving, distribution, and synchronization over Google’s lowest level storage systems. Google is liable for its infringement of the ’791 patent pursuant to 35 U.S.C. § 271.

18. YouTube has infringed and continues to infringe the ’791 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing YouTube’s Content Management System and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. YouTube is liable for its infringement of the ’791 patent pursuant to 35 U.S.C. § 271.

19. Defendants Google’s and YouTube’s acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendants the damages sustained by PersonalWeb as a result of Defendants’ wrongful acts in an amount subject to proof at trial. Defendants’ infringement of PersonalWeb’s rights under the ’791 patent will continue to damage

PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

20. Defendants Google and YouTube have received actual notice of infringement of the '791 patent.

**INFRINGEMENT OF U.S. PATENT NO. 6,415,280**

21. On July 2, 2002, United States Patent No. 6,415,280 (the "'280 patent") was duly and legally issued for an invention entitled "Identifying and Requesting Data in Network Using Identifiers Which Are Based On Contents of Data." PersonalWeb has an ownership interest in the '280 patent by assignment, including the exclusive right to enforce the '280 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '280 patent. A true and correct copy of the '280 patent is attached hereto as Exhibit B.

22. Google has infringed and continues to infringe the '280 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Google's Query-Serving System and Google's file system and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Google's file system includes but is not limited to the lowest layer storage systems as well as the intermediate layer storage systems where server and client software stores and retrieves data files for archiving, distribution, and synchronization over Google's lowest level storage systems. Google is liable for its infringement of the '280 patent pursuant to 35 U.S.C. § 271.

23. YouTube has infringed and continues to infringe the '280 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing YouTube's Content Management System and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. YouTube is liable for its infringement of the '280 patent pursuant to 35 U.S.C. § 271.

24. Defendants Google's and YouTube's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendants the damages sustained by

PersonalWeb as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of PersonalWeb's rights under the '280 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

25. Defendants Google and YouTube have received actual notice of infringement of the '280 patent.

**INFRINGEMENT OF U.S. PATENT NO. 6,928,442**

26. On Aug 9, 2005, United States Patent No. 6,928,442 (the "'442 patent") was duly and legally issued for an invention entitled "Enforcement and Policing of Licensed Content Using Content-Based Identifiers." PersonalWeb has an ownership interest in the '442 patent by assignment, including the exclusive right to enforce the '442 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '442 patent. A true and correct copy of the '442 patent is attached hereto as Exhibit C.

27. Google has infringed and continues to infringe the '442 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Google's Query-Serving System and Google's file system and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Google's file system includes but is not limited to the lowest layer storage systems as well as the intermediate layer storage systems where server and client software stores and retrieves data files for archiving, distribution, and synchronization over Google's lowest level storage systems. Google is liable for its infringement of the '442 patent pursuant to 35 U.S.C. § 271.

28. YouTube has infringed and continues to infringe the '442 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing YouTube's Content Management System and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. YouTube is liable for its infringement of the '442 patent pursuant to 35 U.S.C. § 271.

29. Defendants Google's and YouTube's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendants the damages sustained by PersonalWeb as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of PersonalWeb's rights under the '442 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

30. Defendants Google and YouTube have received actual notice of infringement of the '442 patent.

**INFRINGEMENT OF U.S. PATENT NO. 7,802,310**

31. On September 21, 2010, United States Patent No. 7,802,310 (the "'310 patent") was duly and legally issued for an invention entitled "Controlling Access to Data in a Data Processing System." PersonalWeb has an ownership interest in the '310 patent by assignment, including the exclusive right to enforce the '310 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '310 patent. A true and correct copy of the '310 patent is attached hereto as Exhibit D.

32. Google has infringed and continues to infringe the '310 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Google's Query-Serving System and Google's file system and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Google's file system includes but is not limited to the lowest layer storage systems as well as the intermediate layer storage systems where server and client software stores and retrieves data files for archiving, distribution, and synchronization over Google's lowest level storage systems. Google is liable for its infringement of the '310 patent pursuant to 35 U.S.C. § 271.

33. YouTube has infringed and continues to infringe the '310 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing YouTube's Content Management System and its contributing

to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. YouTube is liable for its infringement of the '310 patent pursuant to 35 U.S.C. § 271.

34. Defendants Google's and YouTube's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendants the damages sustained by PersonalWeb as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of PersonalWeb's rights under the '310 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

35. Defendants Google and YouTube have received actual notice of infringement of the '310 patent.

**INFRINGEMENT OF U.S. PATENT NO. 7,949,662**

36. On May 24, 2011, United States Patent No. 7,949,662 (the "'662 patent") was duly and legally issued for an invention entitled "De-Duplication of Data in a Data Processing System." PersonalWeb has an ownership interest in the '662 patent by assignment, including the exclusive right to enforce the '662 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '662 patent. A true and correct copy of the '662 patent is attached hereto as Exhibit G.

37. Google has infringed and continues to infringe the '662 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Google's Query-Serving System and Google's file system and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Google's file system includes but is not limited to the lowest layer storage systems as well as the intermediate layer storage systems where server and client software stores and retrieves data files for archiving, distribution, and synchronization over Google's lowest level storage systems. Google is liable for its infringement of the '662 patent pursuant to 35 U.S.C. § 271.



38. YouTube has infringed and continues to infringe the '662 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing YouTube's Content Management System and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. YouTube is liable for its infringement of the '662 patent pursuant to 35 U.S.C. § 271.

39. Defendants Google's and YouTube's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendants the damages sustained by PersonalWeb as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of PersonalWeb's rights under the '662 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

40. Defendants Google and YouTube have received actual notice of infringement of the '662 patent.

**INFRINGEMENT OF U.S. PATENT NO. 8,001,096**

41. On August 16, 2011, United States Patent No. 8,001,096 (the "'096 patent") was duly and legally issued for an invention entitled "Computer File System Using Content-Dependent File Identifiers." PersonalWeb has an ownership interest in the '096 patent by assignment, including the exclusive right to enforce the '096 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '096 patent. A true and correct copy of the '096 patent is attached hereto as Exhibit H.

42. Google has infringed and continues to infringe the '096 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Google's Query-Serving System and Google's file system and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Google's file system includes but is not limited to the lowest layer storage systems as well as the intermediate layer storage systems where server and client software stores and retrieves data files for archiving, distribution, and synchronization over Google's lowest

level storage systems. Google is liable for its infringement of the '096 patent pursuant to 35 U.S.C. § 271.

43. YouTube has infringed and continues to infringe the '096 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing YouTube's Content Management System and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. YouTube is liable for its infringement of the '096 patent pursuant to 35 U.S.C. § 271.

44. Defendants Google's and YouTube's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendants the damages sustained by PersonalWeb as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of PersonalWeb's rights under the '096 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

45. Defendants Google and YouTube have received actual notice of infringement of the '096 patent.

#### **WILLFUL INFRINGEMENT**

46. Upon information and belief, the Defendants' described infringement of any or all of the above-named patents is willful and deliberate, entitling PersonalWeb to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285. Google had prior knowledge of at least one of the Patents-in-Suit and the patented technology because they were cited in several of Google's own patent applications. The Patent Office issued to Google U.S Patent No. 7,437,364 on October 14, 2008; U.S. Patent No. 7,558,822 on July 7, 2009; U.S. Patent No. 7,565,423 on July 21, 2009; U.S. Patent No. 7,587,398 on Sept. 8, 2009; and U.S. Patent No. 7,747,749 on June 29, 2010. Google cited the '791 patent-in-suit to the Examiner during the prosecution of each of the applications that lead to the issuances of the '364, '822, '423, '398, and '749 patents.

**JURY DEMAND**

47. PersonalWeb demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff PersonalWeb requests entry of judgment in its favor and against Defendants Google and YouTube as follows:

a) Declaration that Google and YouTube have infringed directly, and/or indirectly, U.S. Patent Nos. 5,978,791, 6,415,280, 6,928,442, 7,802,310, 7,949,662, and 8,001,096 as described in this action;

b) Permanently enjoining Google and YouTube and their respective officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent Nos. 5,978,791, 6,415,280, 6,928,442, 7,802,310, 7,949,662, and 8,001,096;

c) Awarding the damages arising out of Google's and YouTube's infringement of U.S. Patent Nos. 5,978,791, 6,415,280, 6,928,442, 7,802,310, 7,949,662, and 8,001,096, including enhanced damages pursuant to 35 U.S.C. § 284 together with prejudgment and post-judgment interest, in an amount according to proof;

d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

e) For such other costs and further relief as the Court may deem just and proper.

DATED: February 7, 2103

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2014, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Max L. Tribble, Jr.  
Max L. Tribble, Jr.