

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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SAMPO IP, LLC,		: C.A. No. _____
		:
	Plaintiff,	:
		:
	v.	:
		:
AMAZON.COM, INC.		: JURY TRIAL DEMANDED
		:
	Defendant.	:
		:
-----X		:

Complaint for Patent Infringement

Plaintiff, Sampo IP, LLC (“Sampo”) alleges the following for its complaint of patent infringement against Amazon.com, Inc. (“Amazon” or “Defendant”).

Nature of the Action

This is an action for patent infringement of United States Patent No. 6,161,149 (the “’149 Patent”), United States Patent No. 6,772,229 (the “’229 Patent”), and United States Patent No. 8,015,495 (the “’495 Patent”) (collectively, the “Patents-in-Suit”) under the Patent Laws of the United States, 35 U.S.C. § 1, et seq., and seeking damages and injunctive and other relief under 35 U.S.C. § 281, et seq.

The Parties

1. Plaintiff Sampo is a Virginia limited liability company with its principal place of business at 2331 Mill Road, Suite 100, Alexandria, Virginia 22314.

2. On information and belief, Amazon.com, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 410 Terry

Avenue North, Seattle, Washington 98109. Amazon has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808 as its agent for service of process.

Jurisdiction and Venue

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action concerns the infringement of United States patents.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, Amazon has transacted business in the State of Delaware and Amazon has committed and continue to commit acts of patent infringement in Delaware.

6. Upon information and belief, this Court has personal jurisdiction over Defendant because it is a corporation organized under the laws of the State of Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware, and because it transacts substantial business in the State of Delaware, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein, and (ii) regularly doing or soliciting business in Delaware, engaging in other persistent courses of conduct, maintaining continuous and systematic contacts in Delaware, purposefully availing itself of the privileges of doing business in Delaware, and/or deriving substantial revenue from goods and services provided to individuals in Delaware.

The Patents-In-Suit

7. Sampo is the owner by assignment of the '149 Patent, entitled "Centrifugal Communication and Collaboration Method," which the United States Patent & Trademark Office

duly issued on December 12, 2000. A true and correct copy of the '149 Patent is attached hereto as Exhibit A.

8. Sampo is the owner by assignment of the '229 Patent, entitled "Centrifugal Communication and Collaboration Method," which the United States Patent & Trademark Office duly issued on August 3, 2004. A true and correct copy of the '229 Patent is attached hereto as Exhibit B.

9. Sampo is the owner by assignment of the '495 Patent, entitled "Centrifugal Communication and Collaboration Method," which the United States Patent & Trademark Office duly issued on September 6, 2011. A true and correct copy of the '495 Patent is attached hereto as Exhibit C.

Factual Background

10. The inventions of the Patents-in-Suit are applicable to, among other things, transmitting, receiving and distributing information among peripheral computing devices using a central agent. The central agent selectively pushes notices to peripheral devices, allowing peripheral devices to access certain information. The inventions facilitate asynchronous collaboration among participants, and allow certain participants to receive certain information while preventing other participants from receiving the information.

11. For example, and without limitation, the inventions of the Patents-in-Suit are applicable to a central agent that receives information from and transmits information to peripheral computing devices of members of a group. The central agent receives information from a computing device of a first member of a group, the information indicating to which other members certain information is relevant. The central agent then sends a notice to only the selected members, and allows access to information to only those selected members. Similarly,

the central agent may receive additional information from another member of the group, the information indicating to which other members certain information is relevant. The central agent then sends a notice only to the selected members, and allows access to information to only those selected members.

12. For another example, without limitation, the inventions of the Patents-in-Suit are applicable to a central agent that receives information from and transmits information to peripheral computing devices of participants in a distributed application. The central agent receives information from a computing device of a first participant, the information indicating to which other participants certain information is relevant. The central agent then sends a notice to only the selected participants, and allows access to information to only those selected participants. Similarly, the central agent may receive additional information from another participant, the information indicating to which other participants certain information is relevant. The central agent then sends a notice to only the selected participants, and allows access to information to only those selected participants.

Amazon's Infringing Products and Methods

13. Amazon purports to offer "Earth's Biggest Selection" and purports to seek to be "Earth's most customer centric company for four primary customer sets: consumers, sellers, enterprises and content creators."¹ Amazon states that "[c]ustomers access [its] websites directly through our mobile websites and apps."²

14. In order to generate additional revenues, Amazon provides its users with products that are especially designed to allow its users and merchants to communicate with each other online. For example, Amazon provides a "Mobile Push Messaging" product that it calls

¹ Amazon.com, Inc. Form 10-K (Annual Report) for the fiscal year ended December 31, 2012 at 2.

² *Id.*

“Amazon Simple Notification Service (Amazon SNS).”³ Amazon purports that SNS is a “fast, flexible, fully managed push messaging service” that “makes it simple and cost-effective to push to mobile devices such as iPhone, iPad, Android, Kindle Fire, and internet connected smart devices, as well as pushing to other distributed services.”⁴ SNS can “push[] directly to mobile devices, [and] can also deliver notifications by SMS text message or email. . . .”⁵ Users “can seamlessly scale from a handful of messages per day to millions,” and users can, among other things, “group multiple recipients using topics [wherein] [o]ne topic can support deliveries to multiple endpoint types. . . .”⁶ Users can “create a topic which is an ‘access point’ – identifying a specific subject or event type – for publishing messages and allowing clients to subscribe for notifications. Once a topic is created, the topic owner can set policies for it such as limiting who can publish messages or subscribe to notifications. . . .”⁷ SNS allows users to “publish messages from an application and immediately deliver them to subscribers . . . using a ‘push’ mechanism that eliminates the need to periodically check of ‘poll’ for new information and updates.”⁸

15. Upon information and belief, Amazon’s products, include, without limitation, online communication systems which offer a distributed discussion group whereby the users of such systems, via a network of computing devices linked by a network, are able to communicate with one another using such computing devices. The computing devices include computers, mobile devices and cellular telephones and are capable of transmitting and receiving information.

16. The system has a central agent (e.g., Amazon server system) that can receive information from, and transmit information to, the users’ computing devices. The central agent

³ <http://aws.amazon.com/sns/>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ http://aws.amazon.com/sns/faqs/#What_is_SNS_Mobile_Push.

⁸ <http://aws.amazon.com/sns/faqs/>.

pushes notices to selected users. The users' computing devices are linked or networked to the Amazon central agent.

17. By way of example, to facilitate communication within a group, information communicated between users can be used to send messages either to all members of the group or to a set of members within the group. A first user is able to input information into the first user's computing device. Amazon's system will, based upon the information provided by the first user, generate a notice to a second user and allow the second user to access information from the first user. A second user is able to input information intended for a third user into the second user's computing device. Amazon's system will, based upon the information provided by the second user, generate a notice to a third user and allow the third user to access to the information from the second user.

18. By way of another example, Amazon's system stores first and second information. For example and without limitation, Amazon's system pushes notices to group participants, (i) allowing a first group participant to access the first information, while suppressing access to the first information to a second group participant, and (ii) allowing the second group participant to access the second information, while suppressing access to the second information to the first group participant.

COUNT I: INFRINGEMENT OF THE '149 PATENT

19. Plaintiff incorporates paragraphs 1-18 herein by reference as if set forth here in full.

20. Upon information and belief, Amazon has been and is currently directly infringing one or more claims of the '149 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, without authority, the aforementioned

online communication system. Without limitation, and by example only, Amazon directly infringes and continue to directly infringe at least claim 1 of the '149 Patent by making, selling, using and offering for sale at least the aforementioned online communication system.

Additionally, Amazon directly infringes and continues to directly infringe at least claim 14 of the '149 Patent by making, using, selling, and offering for sale at least the aforementioned online communication services.

21. Amazon also directly infringes one or more claims of the '149 Patent by directing and/or controlling its employees, executives, users, agents, affiliates, suppliers and customers to use the aforementioned online communication system within the United States.

22. Amazon also directly infringes one or more claims of the '149 Patent by providing a website for users and/or providing applications that are downloadable on peripheral computing devices, thus putting the aforementioned online communication system into use.

23. By using the methods claimed in the '149 Patent and by making and/or using the aforementioned online communication system, Amazon has been and is now directly infringing under 35 U.S.C. § 271 one or more claims of the '149 Patent, either literally or under the doctrine of equivalents.

24. Upon information and belief, upon knowledge of the '149 Patent (at least since the filing date of this Complaint), Amazon is contributing to the infringement of the '149 Patent by, among other things, knowingly and with intent, actively encouraging its customers, suppliers, agents, users and affiliates to make, use, sell and/or offer for sale Amazon's aforementioned online communication system and services that constitutes infringement of at least claims 1 and 14 of the '149 Patent. For example, to the extent that any claim is construed to require a system, Defendant provides components, including downloadable software applications, for use in

networked systems, which facilitate online notifications and communications. Amazon knows that such products constitute a material part of the inventions of the '149 Patent, knows those products to be especially made or adapted to infringe the '149 Patent, and knows that those products are not staple articles or commodities of commerce suitable for substantial non-infringing use. Amazon knows that by providing such components to its customers, its customers will infringe at least one claim of the '149 Patent, and Amazon knows that its customers do infringe the '149 Patent.

25. By contributing to its customers', suppliers', agents', users' and affiliates' use of the methods claimed in the '149 Patent and their making and/or using the aforementioned online communication system, Amazon has been and is now indirectly infringing under 35 U.S.C. § 271(c) one or more claims of the '149 Patent, either literally or under the doctrine of equivalents.

26. Upon information and belief, upon knowledge of the '149 Patent (at least since the filing date of this Complaint), Amazon is inducing infringement of the '149 Patent by, among other things, knowingly and with intent, actively encouraging its customers, suppliers, users, agents and affiliates to make, use, sell and/or offer for sale Amazon's aforementioned online communication system and services in a manner that constitutes infringement of one or more claims of the '149 Patent, knowing that such activities infringe at least one claim of the '149 Patent, and with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Amazon provides users with applications and instructions as to how to operate

Amazon's products and how to send and receive online communications.⁹

27. To the extent that Amazon's customers can be considered to put the aforementioned online communication system into use, then Amazon would also be inducing infringement of the '149 Patent by, among other things, knowingly and with intent (at least since the filing date of this Complaint), actively encouraging its customers to make and use Amazon's aforementioned online communication system in a manner that constitutes infringement of one or more claims of the '149 Patent, knowing that such activities infringe at least one claim of the '149 Patent, and with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Amazon provides users with applications and instructions as to how to operate Amazon's products and how to send and receive online communications.

28. By inducing its customers', suppliers', users', agents' and affiliates' use of the methods claimed in the '149 Patent and their making and/or using the aforementioned online communication system, Amazon has been and is now indirectly infringing under 35 U.S.C. § 271(b) one or more claims of the '149 Patent, either literally or under the doctrine of equivalents.

29. As a result of Amazon's unlawful infringement of the '149 Patent, Sampo has suffered and will continue to suffer damage. Sampo is entitled to recover from Amazon the damages adequate to compensate for such infringement, which have yet to be determined.

30. Amazon will continue to infringe the '149 Patent unless and until it is enjoined by this Court.

⁹ See, for example, <http://aws.amazon.com/sns/>.

31. Amazon, by way of its infringing activities, has caused and continues to cause Sampo to suffer damages in an amount to be determined at trial. Sampo has no adequate remedy at law against Amazon's acts of infringement and, unless Amazon is enjoined from its infringement of the '149 Patent, Sampo will suffer irreparable harm.

COUNT II: INFRINGEMENT OF THE '229 PATENT

32. Plaintiff incorporates paragraphs 1-31 herein by reference as if set forth here in full.

33. Upon information and belief, Amazon has been and is currently directly infringing one or more claims of the '229 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, without authority, the aforementioned online communication system. Without limitation, and by example only, Amazon directly infringes and continue to directly infringe at least claim 1 of the '229 Patent by making, selling, using and offering for sale at least the aforementioned online communication system. Additionally, Amazon directly infringes and continues to directly infringe at least claim 22 of the '229 Patent by making, using, selling, and offering for sale at least the aforementioned online communication services.

34. Amazon also directly infringes one or more claims of the '229 Patent by directing and/or controlling its employees, executives, users, agents, affiliates, suppliers and customers to use the aforementioned online communication system within the United States.

35. Amazon also directly infringes one or more claims of the '229 Patent by providing a website for users and/or providing applications that are downloadable on peripheral computing devices, thus putting the aforementioned online communication system into use.

36. By using the methods claimed in the '229 Patent and by making and/or using the

aforementioned online communication system, Amazon has been and is now directly infringing under 35 U.S.C. § 271 one or more claims of the '229 Patent, either literally or under the doctrine of equivalents.

37. Upon information and belief, upon knowledge of the '229 Patent (at least since the filing date of this Complaint), Amazon is contributing to the infringement of the '229 Patent by, among other things, knowingly and with intent, actively encouraging its customers, suppliers, agents, users and affiliates to make, use, sell and/or offer for sale Amazon's aforementioned online communication system and services that constitutes infringement of at least claims 1 and 22 of the '229 Patent. For example, to the extent that any claim is construed to require a system, Defendant provides components, including downloadable software applications, for use in networked systems, which facilitate online notifications and communications. Amazon knows that such products constitute a material part of the inventions of the '229 Patent, knows those products to be especially made or adapted to infringe the '229 Patent, and knows that those products are not staple articles or commodities of commerce suitable for substantial non-infringing use. Amazon knows that by providing such components to its customers, its customers will infringe at least one claim of the '229 Patent, and Amazon knows that its customers do infringe the '229 Patent.

38. By contributing to its customers', suppliers', agents', users' and affiliates' use of the methods claimed in the '229 Patent and their making and/or using the aforementioned online communication system, Amazon has been and is now indirectly infringing under 35 U.S.C. § 271(c) one or more claims of the '229 Patent, either literally or under the doctrine of equivalents.

39. Upon information and belief, upon knowledge of the '229 Patent (at least since

the filing date of this Complaint), Amazon is inducing infringement of the '229 Patent by, among other things, knowingly and with intent, actively encouraging its customers, suppliers, users, agents and affiliates to make, use, sell and/or offer for sale Amazon's aforementioned online communication system and services in a manner that constitutes infringement of one or more claims of the '229 Patent, knowing that such activities infringe at least one claim of the '229 Patent, and with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Amazon provides users with applications and instructions as to how to operate Amazon's products and how to send and receive online communications.¹⁰

40. To the extent that Amazon's customers can be considered to put the aforementioned online communication system into use, then Amazon would also be inducing infringement of the '229 Patent by, among other things, knowingly and with intent (at least since the filing date of this Complaint), actively encouraging its customers to make and use Amazon's aforementioned online communication system in a manner that constitutes infringement of one or more claims of the '229 Patent, knowing that such activities infringe at least one claim of the '229 Patent, and with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Amazon provides users with applications and instructions as to how to operate Amazon's products and how to send and receive online communications.

41. By inducing its customers', suppliers', users', agents' and affiliates' use of the

¹⁰ See, for example, <http://aws.amazon.com/sns/>.

methods claimed in the '229 Patent and their making and/or using the aforementioned online communication system, Amazon has been and is now indirectly infringing under 35 U.S.C. § 271(b) one or more claims of the '229 Patent, either literally or under the doctrine of equivalents.

42. As a result of Amazon's unlawful infringement of the '229 Patent, Sampo has suffered and will continue to suffer damage. Sampo is entitled to recover from Amazon the damages adequate to compensate for such infringement, which have yet to be determined.

43. Amazon will continue to infringe the '229 Patent unless and until it is enjoined by this Court.

44. Amazon, by way of its infringing activities, has caused and continues to cause Sampo to suffer damages in an amount to be determined at trial. Sampo has no adequate remedy at law against Amazon's acts of infringement and, unless Amazon is enjoined from its infringement of the '229 Patent, Sampo will suffer irreparable harm.

COUNT III: INFRINGEMENT OF THE '495 PATENT

45. Plaintiff incorporates paragraphs 1-44 herein by reference as if set forth here in full.

46. Upon information and belief, Amazon has been and is currently directly infringing one or more claims of the '495 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, without authority, the aforementioned online communication system. Without limitation, and by example only, Amazon directly infringes and continue to directly infringe at least claim 16 of the '495 Patent by making, selling, using and offering for sale at least the aforementioned online communication system. Additionally, Amazon directly infringes and continues to directly infringe at least claim 1 of the

'495 Patent by making, using, selling, and offering for sale at least the aforementioned online communication services.

47. Amazon also directly infringes one or more claims of the '495 Patent by directing and/or controlling its employees, executives, users, agents, affiliates, suppliers and customers to use the aforementioned online communication system within the United States.

48. Amazon also directly infringes one or more claims of the '495 Patent by providing a website for users and/or providing applications that are downloadable on peripheral computing devices, thus putting the aforementioned online communication system into use.

49. By using the methods claimed in the '495 Patent and by making and/or using the aforementioned online communication system, Amazon has been and is now directly infringing under 35 U.S.C. § 271 one or more claims of the '495 Patent, either literally or under the doctrine of equivalents.

50. Upon information and belief, upon knowledge of the '495 Patent (at least since the filing date of this Complaint), Amazon is contributing to the infringement of the '495 Patent by, among other things, knowingly and with intent, actively encouraging its customers, suppliers, agents, users and affiliates to make, use, sell and/or offer for sale Amazon's aforementioned online communication system and services that constitutes infringement of at least claims 1 and 16 of the '495 Patent. For example, to the extent that any claim is construed to require a system, Defendant provides components, including downloadable software applications, for use in networked systems, which facilitate online notifications and communications. Amazon knows that such products constitute a material part of the inventions of the '495 Patent, knows those products to be especially made or adapted to infringe the '495 Patent, and knows that those products are not staple articles or commodities of commerce suitable for substantial non-

infringing use. Amazon knows that by providing such components to its customers, its customers will infringe at least one claim of the '495 Patent, and Amazon knows that its customers do infringe the '495 Patent.

51. By contributing to its customers', suppliers', agents', users' and affiliates' use of the methods claimed in the '495 Patent and their making and/or using the aforementioned online communication system, Amazon has been and is now indirectly infringing under 35 U.S.C. § 271(c) one or more claims of the '495 Patent, either literally or under the doctrine of equivalents.

52. Upon information and belief, upon knowledge of the '495 Patent (at least since the filing date of this Complaint), Amazon is inducing infringement of the '495 Patent by, among other things, knowingly and with intent, actively encouraging its customers, suppliers, users, agents and affiliates to make, use, sell and/or offer for sale Amazon's aforementioned online communication system and services in a manner that constitutes infringement of one or more claims of the '495 Patent, knowing that such activities infringe at least one claim of the '495 Patent, and with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Amazon provides users with applications and instructions as to how to operate Amazon's products and how to send and receive online communications.¹¹

53. To the extent that Amazon's customers can be considered to put the aforementioned online communication system into use, then Amazon would also be inducing infringement of the '495 Patent by, among other things, knowingly and with intent (at least since

¹¹ See, for example, <http://aws.amazon.com/sns/>.

the filing date of this Complaint), actively encouraging its customers to make and use Amazon's aforementioned online communication system in a manner that constitutes infringement of one or more claims of the '495 Patent, knowing that such activities infringe at least one claim of the '495 Patent, and with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Amazon provides users with applications and instructions as to how to operate Amazon's products and how to send and receive online communications.

54. By inducing its customers', suppliers', users', agents' and affiliates' use of the methods claimed in the '495 Patent and their making and/or using the aforementioned online communication system, Amazon has been and is now indirectly infringing under 35 U.S.C. § 271(b) one or more claims of the '495 Patent, either literally or under the doctrine of equivalents.

55. As a result of Amazon's unlawful infringement of the '495 Patent, Sampo has suffered and will continue to suffer damage. Sampo is entitled to recover from Amazon the damages adequate to compensate for such infringement, which have yet to be determined.

56. Amazon will continue to infringe the '495 Patent unless and until it is enjoined by this Court.

57. Amazon, by way of its infringing activities, has caused and continues to cause Sampo to suffer damages in an amount to be determined at trial. Sampo has no adequate remedy at law against Amazon's acts of infringement and, unless Amazon is enjoined from its infringement of the '495 Patent, Sampo will suffer irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Sampo respectfully requests that this Court enter judgment in its favor as follows:

- A. Holding that Defendant has directly infringed, literally and/or under the doctrine of equivalents, one or more of the claims of the Patents-in-Suit;
- B. Holding that Defendant has indirectly infringed, literally and/or under the doctrine of equivalents, one or more of the claims of the Patents-in-Suit;
- C. Permanently enjoining Defendant and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the Patents-in-Suit;
- D. Permanently enjoining the use of the online communication products created or used according to the patented methods of the Patents-in-Suit;
- E. Awarding to Sampo the damages to which it is entitled under 35 U.S.C. § 284 for Defendant's past infringement and any continuing or future infringement up until the date Defendant is finally and permanently enjoined from further infringement, including compensatory damages;
- F. Declaring this to be an exceptional case and awarding Sampo's attorneys' fees under 35 U.S.C. § 285;
- G. Awarding Sampo costs and expenses in this action;
- H. Awarding Sampo pre- and post-judgment interest on its damages; and
- I. Awarding Sampo such other and further relief in law or in equity as this Court deems just and proper.

JURY DEMAND

Sampo, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any and all issues so triable by right.

Dated: February 7, 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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