

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

PROFILE PROTECTOR LLC, a Texas
limited-liability company,

Plaintiff,

vs.

LINKEDIN CORPORATION, a
Washington corporation,

Defendant.

Civil Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint against Defendant LinkedIn Corporation (“LinkedIn”), Plaintiff Profile Protector LLC (“Profile”) hereby alleges as follows.

JURISDICTION AND VENUE

1. This is an action including for infringement under the patent laws of the United States, 35 U.S.C. § 101, *et. seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has personal jurisdiction over Defendant because it regularly conducts business in Texas and in this District, where it has committed the acts of infringement alleged herein.

3. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b)-(c) and 1400.

PARTIES

4. Plaintiff is a Texas limited-liability company having a principal place of business at 1400 Preston Road, Plano, Texas 75093.

5. On information and belief, Defendant is a Delaware corporation having a principal place of business at 2029 Stierlin Court, Mountain View, California 94043.

COUNT I—INFRINGEMENT OF U.S. PATENT NO. 8,527,596

6. Plaintiff re-alleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. Plaintiff is the owner by assignment of U.S. Patent No. 8,527,596 (“the ‘596 patent”), which is entitled “System and Method for Monitoring Activity of a Specified User on Internet-Based Social Networks,” which duly and lawfully issued on September 3, 2013. A true and correct copy of the ‘596 patent is attached hereto as Exhibit A.

8. The claims of the '596 patent are directed to, for example, "A method for monitoring activity of a specified user of an internet-based social network by a client that is not the specified user," and Claim 17, for example, recites elements including, *inter alia*, (a) "the internet-based social network including an application programming interface specific to the internet-based social network and a specified user's page established on the internet-based social network by the specified user," (b) "pre-establishing, within an activity monitor server, monitoring criteria for monitoring activity on the specified user's page or on a page of another user of the internet-based social network visited by the specified user," (c) "the pre-established monitoring criteria including at least one of one or more specified words and one or more specified phrases," (d) "making a software application on a server controlling the internet-based social network accessible by the specified user via the internet-based social network," (e) "the software application, when executed by the server controlling the internet-based social network, makes available via the application programming interface specific to the internet-based social network content relating to activity on the specified user's page or on a page of another user of the internet-based social network visited by the specified user," (f) "establishing, via the activity monitor server, activity monitoring access to the specified user's page of the internet-based social network via the application programming interface specific to the internet-based social network by causing the software application to be executed by the server controlling the internet-based social

network,” (g) “after activity monitoring access to the specified user’s page of the internet-based social network has been established, monitoring, via the activity monitor server, activity on the specified user’s page or on the page of the other user of the internet-based social network visited by the specified user by monitoring content displayed on the specified user’s page or on the page of the other user of the internet-based social network visited by the specified user for occurrences on the specified user’s page or on the page of the other user of the internet-based social network visited by the specified user of the at least one of the one or more specified words and the one or more specified phrases,” and (h) “notifying, via the activity monitor server, a client when the monitored activity satisfies at least one of the pre-established monitoring criteria.”

9. The ‘596 patent covers the methods and systems claimed, and protects Plaintiff’s exclusive right to sell its methods and systems without infringement by competitors or their products. With Plaintiff’s covered methods and systems, activity monitoring access to a specified user’s page of an internet-based social network is established via an application programming interface based on pre-established identification information that identifies the specified user within the internet-based social network. These methods and systems were not routine or conventional, particularly at the time of the claimed inventions in 2009.

10. On information and belief, Defendant has made, used, offered for sale, sold and/or imported into the United States systems and/or methods covered by the claims of the '596 patent, and continues to do so. For example, the LinkedIn system utilizing "Apache Kafka" software employs the method covered by Claims 17-20 of the '596 patent, as explained in detail in Exhibit B attached hereto.

11. First, the LinkedIn system employs an "internet-based social network including an application programming interface specific to the internet-based social network and a specified user's page established on the internet-based social network by the specified user," as exemplified by the analysis shown in Exhibit B.

12. Second, the LinkedIn system includes "pre-establishing, within an activity monitor server, monitoring criteria for monitoring activity on the specified user's page or on a page of another user of the internet-based social network visited by the specified user," as exemplified by the analysis shown in Exhibit B.

13. Third, in the LinkedIn system, "the pre-established monitoring criteria includ[es] at least one of one or more specified words and one or more specified phrases," as exemplified by the analysis shown in Exhibit B.

14. Fourth, the LinkedIn system includes "making a software application on a server controlling the internet-based social network accessible by the specified user via the internet-based social network," as exemplified by the analysis shown in Exhibit B.

15. Fifth, the LinkedIn system includes “the software application, when executed by the server controlling the internet-based social network, makes available via the application programming interface specific to the internet-based social network content relating to activity on the specified user’s page or on a page of another user of the internet-based social network visited by the specified user,” as exemplified by the analysis shown in Exhibit B.

16. Sixth, the LinkedIn system includes “establishing, via the activity monitor server, activity monitoring access to the specified user’s page of the internet-based social network via the application programming interface specific to the internet-based social network by causing the software application to be executed by the server controlling the internet-based social network,” as exemplified by the analysis shown in Exhibit B.

17. Seventh, the LinkedIn system includes “after activity monitoring access to the specified user’s page of the internet-based social network has been established, monitoring, via the activity monitor server, activity on the specified user’s page or on the page of the other user of the internet-based social network visited by the specified user by monitoring content displayed on the specified user’s page or on the page of the other user of the internet-based social network visited by the specified user for occurrences on the specified user’s page or on the page of the other user of the internet-based social network visited by the specified user of the at least one of the one or more specified words and the one or more specified phrases,” as exemplified by the analysis shown in Exhibit B.

18. Eighth, the LinkedIn system includes “notifying, via the activity monitor server, a client when the monitored activity satisfies at least one of the pre-established monitoring criteria,” as exemplified by the analysis shown in Exhibit B

19. On information and belief, Defendant has caused, encouraged and aided others, including customers, to directly infringe the ‘596 patent having full knowledge of the ‘596 patent and the specific intent that its acts and the acts of its customers and/or others to directly and/or indirectly infringe the ‘596 patent.

20. By the acts of making, using, offering to sell, selling and/or importing the accused infringing systems and/or methods, Defendant has directly infringed the ‘596 patent under 35 U.S.C. § 271(a).

21. By the acts of actively inducing others to infringe the ‘596 patent, Defendant has infringed the ‘596 patent under 35 U.S.C. § 271(b). On information and belief, having knowledge of the ‘596 patent, Defendant specifically intended for its customers to infringe the ‘596 patent by using and/or re-selling the accused infringing systems and/or methods.

22. The acts of infringement asserted herein have been and continue to be deliberate and willful, at least since Defendant first learned about the ‘596 patent.

23. Defendant has derived and received gains, profits and advantages from the aforesaid acts of infringement, and Plaintiff has lost profits and has otherwise been damaged and is entitled to monetary relief in an amount to be determined at trial.

24. The infringement of the '596 patent has caused and continues to cause irreparable harm to Plaintiff, for which there is no adequate remedy at law, and the infringement will continue unless and until it is enjoined by this Court.

PRAYER FOR RELIEF

Therefore, Plaintiff Profile prays for the following relief:

- A. A determination that Defendant has infringed the '596 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents;
- B. A preliminary and permanent injunction against the continuing patent infringement;
- C. An accounting for damages adequate to compensate for the patent infringement under 35 U.S.C. § 284, including Plaintiff's actual damages including lost profits, treble damages, pre-judgment and post-judgment interest, and costs;
- D. A determination of willful patent infringement, and that this is an exceptional case, and an award of reasonable attorney fees and expenses to Plaintiff under 35 U.S.C. § 285; and
- E. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands hereby a jury trial on any issues triable of right by a jury.

Dated: September 19, 2016

Respectfully submitted,

/s/ Stephen M. Lobbin

Stephen M. Lobbin (admitted in E.D. Tex.)

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