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12 Attorneys for Plaintiff
SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.

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15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE DISTRICT OF NEVADA**
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SILVER STATE INTELLECTUAL
TECHNOLOGIES, INC., a Nevada
19 corporation,
20 Plaintiff,
21 v.
22 FACEBOOK, INC., a Delaware corporation,
23 Defendant.

) Case No. 2:17-CV-643-RFB-PAL
)
) **FIRST AMENDED COMPLAINT**
) **FOR PATENT INFRINGEMENT**
) **[FRCP 15(a)(1)(B)]**
)
) **DEMAND FOR JURY TRIAL**
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1 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC. by and
3 through its undersigned attorneys, hereby complains of Defendant FACEBOOK, INC., for
4 infringement of the United States Patents identified herein, and alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This is an action for patent infringement arising under the patent laws of the
7 United States, Title 35, United States Code, and more particularly 35 U.S.C. §§ 271 and 281.

8 2. This Court has jurisdiction over the subject matter of this action pursuant to
9 28 U.S.C. §§ 1331 and 1338(a).

10 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c),
11 and 1400(b).

12 **THE PARTIES**

13 4. Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.
14 (hereinafter, “SILVER STATE”) is a Nevada corporation with a principal place of business at
15 9811 Charleston Blvd., #2-787, Las Vegas, Nevada 89117.

16 5. SILVER STATE is the owner by assignment of United States Patent No.
17 7,343,165, entitled GPS PUBLICATION APPLICATION SERVER, duly and lawfully issued
18 on March 11, 2008 (“the ’165 patent”), attached hereto as Exhibit A; and United States Patent
19 No. 8,892,117, entitled GPS PUBLICATION APPLICATION SERVER, duly and lawfully
20 issued on November 18, 2014 (“the ’117 patent”), attached hereto as Exhibit B, among other
21 patents and pending patent applications.

22 6. Upon information and belief, Defendant FACEBOOK, INC. (hereinafter,
23 “FACEBOOK”) is a Delaware corporation with a principal place of business at 1 Hacker
24 Way, Menlo Park, California 94025, and is registered to do business in Nevada with a
25 Registered Agent for Service of Process located at 2215-B Renaissance Drive, Las Vegas,
26 Nevada 89119.

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1 17. In support of SILVER STATE's infringement allegations, attached hereto as
2 Exhibit C and incorporated herein is a claim chart providing an element-by-element analysis
3 of the alleged infringement of Claim 1 of the '117 patent by FACEBOOK's "Place Tips"
4 location-based social networking application. SILVER STATE reserves the right to allege
5 infringement of other claims of the '117 patent as part of its Local Patent Rule LPR 1-6
6 disclosures, and to amend or supplement its infringement allegations of the '117 patent based
7 upon further analysis and discovery, and pursuant to Local Patent Rule LPR 1-12.

8 18. As a direct and proximate result of FACEBOOK's infringement of the '117
9 patent, SILVER STATE has been and continues to be damaged, entitling it to compensation
10 in no event less than a reasonable royalty for the use made of the invention by the infringer,
11 together with interest and costs as fixed by the Court, under 35 U.S.C. § 284.

12 19. SILVER STATE first contacted FACEBOOK regarding alleged infringement
13 of the '117 patent by FACEBOOK's "Place Tips" location-based social networking
14 application in April of 2016. At that time SILVER STATE provided FACEBOOK a copy of
15 the '117 patent and a claim chart providing an element-by-element analysis of the alleged
16 infringement of Claim 1 of the '117 patent by FACEBOOK's "Place Tips" application.

17 20. Based on the foregoing, upon information and belief FACEBOOK's
18 infringement of the '117 patent has been, and will continue to be, willful and deliberate,
19 permitting the Court to increase the damages up to three times the amount found or assessed
20 under 35 U.S.C. § 284, and making this an exceptional case under 35 U.S.C. § 285.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff SILVER STATE prays for relief as follows:

23 A. That FACEBOOK be adjudged to have infringed the '165 patent under 35
24 U.S.C. § 271;

25 B. That FACEBOOK be adjudged to have infringed the '117 patent under 35
26 U.S.C. § 271;

27 C. That FACEBOOK, its subsidiaries, affiliates, officers, agents, servants,
28 employees and attorneys, and all those persons in active concert or participation with any of

1 them be permanently restrained and enjoined under 35 U.S.C. § 283 from directly and indirectly
2 infringing the '165 and '117 patents unless and until FACEBOOK agrees or the Court orders
3 FACEBOOK to pay SILVER STATE a reasonable royalty for the use of said patents;

4 D. That the Court award Plaintiff SILVER STATE recovery of damages to
5 compensate it for FACEBOOK's infringement of SILVER STATE's patents, and each of
6 them, as alleged herein, pursuant to 35 U.S.C. § 284;

7 E. That FACEBOOK be adjudged to have willfully infringed the '165 and '117
8 patents, and that the Court treble the amount of actual damages associated with those patents
9 pursuant to 35 U.S.C. § 284;

10 F. That this action be adjudged an exceptional case, and that the Court award
11 SILVER STATE its reasonable attorneys' fees incurred in this action, pursuant to 35 U.S.C.
12 § 285;

13 G. That the Court assess pre-judgment and post-judgment interests and costs of suit
14 against FACEBOOK, and award such interests and costs to SILVER STATE pursuant to 35
15 U.S.C. § 284; and

16 H. That Plaintiff SILVER STATE have such other and further relief as this Court
17 may deem just and proper.

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19 **DEMAND FOR TRIAL BY JURY**

20 Plaintiff SILVER STATE hereby demands a trial by jury on all issues so triable.

21 Respectfully submitted,

22 KNOBBE, MARTENS, OLSON & BEAR, LLP

23
24 Dated: May 19, 2017

25 By: s/Frederick S. Berretta
Frederick S. Berretta
Edward C. Johnson

26 Attorneys for Plaintiff
27 SILVER STATE INTELLECTUAL
28 TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

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I am over the age of 18 and not a party to the within action. My business address is 2040 Main Street, 14th Floor, Irvine, CA 92614. I certify that on May 19, 2017, I caused the **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT [FRCP 15(a)(1)(B)] / JURY DEMAND** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following person(s):

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Phone: (702) 382-4804
Facsimile: (702) 382-4805

I further certify that on May 19, 2017, I caused the **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT [FRCP 15(a)(1)(B)] / JURY DEMAND** to be served on the interested parties not yet registered to with the Court's CM/ECF system in this action by placing the document(s) in a prepaid envelope for collection and mailing by the United States Postal Service; via First Class Mail, to the following persons:

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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 19, 2017, at Irvine, California.



Margaret H. Greenwalt

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