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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 ) Case No. 2:17-CV-643-RFB-PAL  
TECHNOLOGIES, INC., a Nevada )  
19 corporation, ) **FIRST AMENDED COMPLAINT**  
Plaintiff, ) **FOR PATENT INFRINGEMENT**  
20 ) **[FRCP 15(a)(1)(B)]**  
v. )  
21 ) **DEMAND FOR JURY TRIAL**  
FACEBOOK, INC., a Delaware corporation, )  
22 )  
23 Defendant. )  

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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 7. Upon information and belief, FACEBOOK makes, uses, and provides in the  
2 United States and in this judicial district its “facebook” brand of location-based social  
3 networking systems and services that SILVER STATE alleges infringe the ’165 and ’117  
4 patents, as alleged further herein below.

5 8. Upon information and belief, FACEBOOK resides and does business in this  
6 judicial district, has committed acts of infringement in this judicial district, and otherwise  
7 avails itself of this judicial district by, for example, attending and presenting at trade shows.

8 **FIRST CLAIM FOR RELIEF**

9 **INFRINGEMENT OF U.S. PATENT NO. 7,343,165**

10 9. SILVER STATE realleges and incorporates herein by reference the allegations  
11 stated in paragraphs 1-8 of this Complaint.

12 10. Upon information and belief, in violation of one or more provisions of 35  
13 U.S.C. § 271, FACEBOOK has infringed, and is continuing to infringe one or more claims of  
14 the ’165 patent, including, without limitation, by practicing the method of Claim 1 of the ’165  
15 patent in connection with its “Status Update/Check In” location-based social networking  
16 application in the United States.

17 11. In support of SILVER STATE’s infringement allegations, attached hereto as  
18 Exhibit C and incorporated herein is a claim chart providing an element-by-element analysis  
19 of the alleged infringement of Claim 1 of the ’165 patent by FACEBOOK’s “Status  
20 Update/Check In” location-based social networking application. SILVER STATE reserves  
21 the right to allege infringement of other claims of the ’165 patent as part of its Local Patent  
22 Rule LPR 1-6 disclosures, and to amend or supplement its infringement allegations of the  
23 ’165 patent based upon further analysis and discovery, and pursuant to Local Patent Rule  
24 LPR 1-12.

25 12. As a direct and proximate result of FACEBOOK’s infringement of the ’165  
26 patent, SILVER STATE has been and continues to be damaged, entitling it to compensation  
27 in no event less than a reasonable royalty for the use made of the invention by the infringer,  
28 together with interest and costs as fixed by the Court, under 35 U.S.C. § 284.

1 13. SILVER STATE first contacted FACEBOOK regarding alleged infringement  
 2 of the '165 patent in April of 2016, in connection with FACEBOOK's "Nearby Friends"  
 3 location-based social networking application. At that time SILVER STATE provided  
 4 FACEBOOK a copy of the '165 patent and a claim chart providing an element-by-element  
 5 analysis of the alleged infringement of Claim 1 of the '165 patent by FACEBOOK's "Nearby  
 6 Friends" application. Sometime in the fall of 2016 FACEBOOK modified its "Nearby  
 7 Friends" application, however, on information and belief FACEBOOK knew or should have  
 8 known upon reasonable investigation that its "Status Update/Check In" location-based social  
 9 networking application also infringed the '165 patent. Additionally, on March 1, 2017 (the  
 10 day SILVER STATE filed its original complaint) SILVER STATE provided to FACEBOOK  
 11 a copy of its amended claim chart showing the element-by-element analysis of the alleged  
 12 infringement of Claim 1 of the '165 patent by FACEBOOK's "Status Update/Check In"  
 13 location-based social networking application.

14 14. Based on the foregoing, upon information and belief FACEBOOK's  
 15 infringement of the '165 patent has been, and will continue to be, willful and deliberate,  
 16 permitting the Court to increase the damages up to three times the amount found or assessed  
 17 under 35 U.S.C. § 284, and making this an exceptional case under 35 U.S.C. § 285.

18 **SECOND CLAIM FOR RELIEF**

19 **INFRINGEMENT OF U.S. PATENT NO. 8,892,117**

20 15. SILVER STATE realleges and incorporates herein by reference the allegations  
 21 stated in paragraphs 1-8 of this Complaint.

22 16. Upon information and belief, in violation of one or more provisions of 35  
 23 U.S.C. § 271, FACEBOOK has infringed, and is continuing to infringe one or more claims of  
 24 the '117 patent, including, without limitation, by making and using the system of Claim 1 of  
 25 the '117 patent in connection with its "Place Tips" location-based social networking  
 26 application in the United States.

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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  
TECHNOLOGIES, INC.  
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**CERTIFICATE OF SERVICE**

I am over the age of 18 and not a party to the within action. My business address is 2040 Main Street, 14<sup>th</sup> 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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7251 West Lake Mead Blvd.  
Las Vegas, NV 89128  
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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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