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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

PURE DATA SYSTEMS, LLC

       Plaintiff,

       v.

VALVE CORPORATION

       Defendant,

Case No. 2:17-cv-01659 RAJ

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 et seq. in which Plaintiff Pure Data Systems, LLC ("PDS" or "Plaintiff") files this patent infringement action against Defendant Valve Corporation ("Valve" or "Defendant").

BACKGROUND

1.   PDS is the assignee of all right, title, and interest in and to U.S. Patent No. 5,999,947, entitled "Patent for inventions covering a method of distributing database differences" ("the '947 Patent," attached as Exhibit A), and U.S. Patent No. 6,321,236 ("the '236 Patent," attached as Exhibit B), entitled "Patent for inventions covering a system for distributing differences" (collectively, the "Patents-in-Suit"). PDS has the exclusive right to assert all causes of action arising under the Patents-in-Suit and the right to remedies for infringement thereof.

2.   The inventive concepts of the Patents-in-Suit are directed to a technical

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1 solution to solve a problem unique to data storage systems, by greatly enhancing and

2 facilitating the operation and efficiency of data storage systems.

3   3.   For example, the inventions are directed to distributing differences from a

4 server computer, which is a hardware system, configured to store a current version of data,

5 which is distributed and updated over a communications network, which is also a hardware

6 system. The claimed invention further recites receiving a request from a client computer,

7 which is also a hardware system. It further recites translating differences from a generic

8 format (or in other claims a first format) into specific format that is compatible with the type

9 of data on the client computer (or in other claims a second format), and transmitting the

10 differences to the client. This improves the functioning of the data storage system, for

11 example, by efficiently using system resources and permitting client systems that are

12 intermittently (as opposed to continuously) connected to a server system to synchronize with

13 information from the server. ('947 Patent, col. 1, lines 9-19; '236 Patent, col. 1, lines 13-23).

14 Without the claimed invention, data storage systems would, for example, be required to

15 download the entire set of data, which requires large amounts of bandwidth, is expensive, and

16 time consuming. ('947 Patent, col. 2, lines 1-8; '236 Patent, col. 2, lines 5-12.) Without the

17 claimed invention, another drawback is the need to make a dynamic comparison of the client

18 and original database, which requires large amounts of handshaking and data transfer. ('947

19 Patent, col. 2, lines 9-17; '236 Patent, col. 2, lines 13-21.)

20   4.   The technology claimed in the Patents-in-Suit presented new and unique

21 advantages over the state of the art at the time. Although the inventions taught in the claims

22 of the Patents-in-Suit have by today been widely adopted by leading businesses, at the time of

23 the invention, the technologies were innovative.

24   5.   For example, during prosecution of the application that issued as the '947

25 Patent, the Examiner at the United States Patent and Trademark Office attempted to apply as

26 prior art U.S. Patent No. 5,758,355 ("Buchanan") to the pending claims. The applicants

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1 explained that Buchanan does not teach "translating database differences from a generic

2 format into instructions specific to the type of database engine associated with the client

3 copy," but rather "merely discloses the concept of bi-directional synchronization of a client

4 database and a server database, and does not make any reference to translating database

5 differences at a particular data format." Similarly, during prosecution of the application that

6 issued as the '236 Patent, the applicants distinguished Buchanan on the basis that it does not

7 disclose a database with a translated format.

8   6.   As another example, during prosecution of the application that issued as the

9 '947 Patent, the Examiner at the United States Patent and Trademark Office also attempted to

10 apply U.S. Patent No. 5,634,052 ("Morris") the pending claims. The applicants explained

11 that in their invention, database differences are transmitted from the server to the client,

12 which enables the client computer to maintain an updated copy of a database table stored at

13 the server. In contrast, Morris discloses a system whereby a delta file, which represents the

14 differences between a base file and a new version of the base tile, is transmitted from the

15 client to the server. While transmitting the delta files from the client to the server enables a

16 file stored at the client to be backed up and archived at the server, this function is

17 significantly different from that of the claimed invention and fails to disclose all the elements

18 of the claim.

19   7.   As another example, during prosecution of the application that issued as the

20 '236 Patent, the Examiner at the United States Patent and Trademark Office attempted to

21 apply U.S. Patent No. 5,870,765 ("Bauer") to the pending claims.   The applicant

22 distinguished the pending claims on the basis that they are directly opposed to the disclosure

23 of the Bauer patent.

24   8.   The claims of the '701 Patent are not directed to a "method of organizing

25 human activity," "fundamental economic practice long prevalent in our system of

26 commerce," or "a building block of the modern economy."   Instead, they are limited to

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1 technological solutions for data storage systems.

2 9. Additionally, the technology claimed in the Patents-in-Suit does not preempt

3 all ways for distributing differences from a server computer. For example, the claims apply

4 only to using different data formats on the server (e.g. a generic format) and client (e.g. a

5 specific format). It follows that Defendant could choose other ways of distributing

6 differences, such as using the same data formats on both the client or server, or by using a

7 specific format on the server and a generic format on the client.

8 10. Additionally, the prior art cited on the face of the Patents-in-Suit remains

9 available for practice by the Defendant, and the Patents-in-Suit do not preempt practice any

10 of those prior art systems or methods. The claims of the Patents-in-Suit cannot be practiced

11 by a human alone and there exists no human analogue to the methods and systems claimed in

12 the Patents-in-Suit. The claims are specifically directed to distributing data from server

13 computers to client computers. Components such as server and client computer exist only in

14 the context of computer-based systems, and cannot be practiced by a human alone.

15 11. By practicing a system for distributing differences corresponding to one or

16 more change events, Valve is infringing the claims of the Patents-in-Suit.

PARTIES

18 12. PDS is a Texas limited liability company with a principal place of business at

19 1400 Preston Road, Suite 400, Plano, Texas 75093.

20 13. On information and belief, Valve is a Washington corporation headquartered

21 at 10900 NE 4th Street, Bellevue, Washington. Valve may be served with process by

22 delivering a summons and a true and correct copy of this Complaint to its registered agent for

23 receipt of service of process, Corpserve, Inc., 1001 4th Ave., Ste 4500, Seattle, WA 98154.

JURISDICTION AND VENUE

25 14. This action arises under the patent laws of the United States, Title 35 of the

26 United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C.

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1 §§ 1331 and 1338(a).

2   15.   Court has personal jurisdiction over Valve because, among other reasons,

3 Valve has established minimum contacts with the forum state of Washington.

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

5 1400(b) because Valve resides in this District, is subject to personal jurisdiction in this District,

6 has transacted business in this district, has a regular and established place of business in this

7 District, is incorporated in the State of Washington, and has committed acts of patent

8 infringement in this District.

9   **COUNT I**

10   **INFRINGEMENT OF U.S. PATENT NO. 5,999,947**

11   17.   Plaintiff incorporates by reference each of the allegations in the foregoing

12 paragraphs, and further alleges as follows:

13   18.   On December 7, 1999, the United States Patent and Trademark Office issued

14 the '947 Patent for inventions covering a method of distributing database differences. In one

15 claimed embodiment, a method of distributing database differences corresponding to database

16 change events made to a database table located on a server computer to client copies of the

17 database table located on one or more client computers, each client computer capable of

18 having different database engines comprising the steps of: storing database differences at the

19 server computer in a generic format; receiving from a client computer a request for all

20 database differences needed to make a client copy of the database table current; translating

21 the differences from the generic format into instructions having a specific format compatible

22 with the type of database engine associated with the client copy of the database table; and

23 transmitting the instructions to the client computer for execution on the client database engine

24 to make the client copy of the database table current. A true and correct copy of the '947

25 Patent is attached as Exhibit A.

26   19.   Valve has been and is now directly and indirectly infringing one or more

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1   claims of the '947 Patent, in this judicial District and elsewhere in the United States. The

2   infringement analysis described in this complaint is exemplary, and Plaintiff reserves the

3   right to assert different or additional claims and theories of infringement.

4   20.   For example, Valve directly infringes the '947 Patent, including but not

5   limited to claim 6, by practicing a method of synchronizing a user's game library between a

6   Valve server and a user's computer, according to the claims of the '947 Patent. If a user

7   purchases a game through the Steam website using a browser, the user's game library is

8   updated on a server. When the user next logs into the Steam client, those updates are

9   transmitted to the Steam client running on the user's computer. Additionally, if a user

10   purchases a game through the Steam client running on a first computer, the user's game

11   library is updated on a server. If the user then logs into a Steam client running on a second

12   computer, those updates are transmitted to the Steam client running on the second computer.

13   21.   For example, Valve distributes database differences corresponding to database

14   change events made to a database table located on a server computer to client copies of the

15   database table located on one or more client computers, each client computer capable of

16   having different database engines. For example, Valve employs a method of distributing

17   database change events from a server to a client when updating a user's game library in the

18   Steam client.

19   22.   Valve stores database differences at the server computer in a generic format.

20   For example, database differences (e.g., changes to a user's game library) are stored in a

21   generic format (e.g., SQL) at a Steam server computer.

22   23.   Valve receives from a client computer a request for all database differences

23   needed to make a client copy of the database table current. For example, a request from a

24   client computer is received to update the client copy of the database table (e.g., the list of

25   games in a user's library).

26   24.   Valve translates the differences from the generic format into instructions

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having a specific format compatible with the type of database engine associated with the client copy of the database table. For example, differences are translated from the generic format (e.g., SQL) to a specific format compatible with the database of the client (e.g., a localconfig.vdf file).

25.   Valve transmits the instructions to the client computer for execution on the client database engine to make the client copy of the database table current. For example, instructions are transmitted to the client computer to update the client database table.

26.   Valve also infringes the '947 Patent in its game metadata updates. Game metadata (e.g. BuildID, time last played, or number of hours played) is synchronized between a Valve server and a user's computer. For example, when a game is updated, a different "BuildID" for the game is transmitted to the Steam client running on a user's computer. Or, for example, if a user plays a game on a first computer, metadata associated with the gameplay (e.g., time last played and number of hours played) is updated at a server. If the user logs into the Steam client on a second computer, those changes are transmitted to the Steam client running on the second computer.

27.   For example, Valve directly infringes the '947 Patent, including but not limited to claim 6, by practicing a method of distributing database differences corresponding to database change events, according to the claims of the '947 Patent.

28.   For example, Valve distributes database differences corresponding to database change events made to a database table located on a server computer to client copies of the database table located on one or more client computers, each client computer capable of having different database engines. For example, Valve employs a method of distributing database change events from a server to a client when updating metadata associated with games in a user's game library in the Steam client.

29.   Valve stores database differences at the server computer in a generic format. For example, database differences (e.g., changes to a game's metadata, such as the BuildID)

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1 are stored in a generic format (e.g., SQL) at a Steam server computer.

2   30.   Valve receives from a client computer a request for all database differences

3 needed to make a client copy of the database table current. For example, a request from a

4 client computer is received to update the client copy of the database table (e.g., a

5 localconfig.vdf file or an appmanifest_*.acf file).

6   31.   Valve translates the differences from the generic format into instructions

7 having a specific format compatible with the type of database engine associated with the

8 client copy of the database table. For example, differences are translated from the generic

9 format (e.g., SQL) to a specific format compatible with the database of the client (e.g., a

10 localconfig.vdf file or an appmanifest_*.acf file).

11   32.   Valve transmits the instructions to the client computer for execution on the

12 client database engine to make the client copy of the database table current. For example,

13 instructions are transmitted to the client computer to update the client database table.

14   33.   Valve also infringes the '947 Patent in its game updates. Game files are

15 synchronized between a Valve server and a user's computer. For example, when a game

16 receives an update, rather than re-downloading an entire game, the Steam client receives

17 instructions for updating only the game files that have changed.

18   34.   For example, Valve directly infringes the '947 Patent, including but not

19 limited to claim 6, by practicing a method of distributing database differences corresponding

20 to database change events, according to the claims of the '947 Patent.

21   35.   For example, Valve distributes database differences corresponding to database

22 change events made to a database table located on a server computer to client copies of the

23 database table located on one or more client computers, each client computer capable of

24 having different database engines. For example, Valve employs a method of distributing

25 database change events from a server to a client when updating game files for a game in a

26 user's game library in the Steam client.

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36.   Valve stores database differences at the server computer in a generic format.

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For example, when a game update is available, differences are detected by the server as changes from the previous game files, and these differences are stored in a generic format

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(e.g., SQL) at a Steam server computer.

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37.   Valve receives from a client computer a request for all database differences

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needed to make a client copy of the database table current. For example, a request from a

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client computer is received for an available game update, with differences being detected by

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the server as changes from the previous game files, and these differences update the client

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copy of the database table.

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38.   Valve translates the differences from the generic format into instructions

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having a specific format compatible with the type of database engine associated with the

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client copy of the database table. For example, differences are translated from the generic

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format (e.g., SQL) to a specific format compatible with the database of the client (e.g., files

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such as TSLGame.exe or state_578080_578081.patch).

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39.   Valve transmits the instructions to the client computer for execution on the

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client database engine to make the client copy of the database table current. For example,

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instructions are transmitted to the client computer to update the client database table.

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40.   Valve has committed its acts of infringement without license or authorization.

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41.   Valve has injured PDS and is liable to PDS for direct and indirect

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infringement of the claims of the '947 Patent pursuant to 35 U.S.C. § 271(a), (b), and (c).

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42.   As a result of Defendant's infringement of the '947 Patent, PDS has suffered

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harm and seeks monetary damages in an amount adequate to compensate for infringement,

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but in no event less than a reasonable royalty for the use made of the invention by Valve,

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together with interest and costs as fixed by the Court.

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COUNT II

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INFRINGEMENT OF U.S. PATENT NO. 6,321,236

3   43.   Plaintiff incorporates by reference each of the allegations in the foregoing

4 paragraphs, and further alleges as follows:

5   44.   On November 20, 2001, the United States Patent and Trademark Office issued

6 the '236 Patent for inventions covering a system for distributing differences. One claimed

7 embodiment recites a system for distributing differences corresponding to one or more

8 change events made to a data store located on a server computer, the differences being

9 distributed to one or more client copies of at least a portion of the data store, wherein the one

10 or more client copies of the at least a portion of the data store are located on one or more

11 client computers, the system comprising: a current server version of the data store configured

12 to permit modifications to data contained therein; a reference server version of the data store;

13 a differencing engine that identifies, at a given instance in time, any differences between the

14 current server version of the data store and the reference server version of the data store; one

15 or more updates storing one or more differences generated by the differencing engine wherein

16 the one or more differences are in a first format; a translator that converts any differences

17 destined for the client copy of the at least a portion of the data store from the first format into

18 a second format; a communication network; and a synchronizer that obtains from the

19 differencing engine any differences that are needed to make the one or more client copies of

20 the at least a portion of the data store current, and transmits the differences to the one or more

21 client copies of the at least a portion of the data store by way of the communication network."

22 A true and correct copy of the '236 Patent is attached as Exhibit B.

23   45.   Valve has been and is now directly and indirectly infringing one or more

24 claims of the '236 Patent, in this judicial District and elsewhere in the United States. The

25 infringement analysis described in this complaint is exemplary, and Plaintiff reserves the

26 right to assert different or additional claims and theories of infringement.

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46.   For example, Valve directly infringes the '236 Patent, including but not limited to claim 1, by making, using, selling, and offering for sale a system for distributing differences corresponding to one or more change events, according to the claims of the '236 Patent. If a user purchases a game through the Steam website using a browser, the user's game library is updated on a server. When the user next logs into the Steam client, those updates are transmitted to the Steam client running on the user's computer. Additionally, if a user purchases a game through the Steam client running on a first computer, the user's game library is updated on a server. If the user then logs into a Steam client running on a second computer, those updates are transmitted to the Steam client running on the second computer.

47.   For example, Valve directly infringes the '236 Patent, including but not limited to claim 1, by making, using, selling, and offering a system for distributing differences corresponding to one or more change events, according to the claims of the '236 Patent.

48.   Valve makes, uses sells and offers a system for distributing differences corresponding to one or more change events made to a data store located on a server computer, the differences being distributed to one or more client copies of at least a portion of the data store, wherein the one or more client copies of the at least a portion of the data store are located on one or more client computers. For example, Valve makes, uses, offers, and provides a system for distributing database change events from a server to a client. Valve uses a system for distributing data store change events from a server to a client when updating a user's game library in the Steam client.

49.   The Valve system comprises a current server version of the data store configured to permit modifications to data contained therein; a reference server version of the data store; a differencing engine that identifies, at a given instance in time, any differences between the current server version of the data store and the reference server version of the data store. For example, when a game is purchased, that game is added to a user's library.

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1   This difference is detected by the server as change from the previous library.

2   50.   The Valve system comprises one or more updates storing one or more

3   differences generated by the differencing engine wherein the one or more differences are in a

4   first format. For example, these differences are stored in a first format (e.g., SQL).

5   51.   The Valve system comprises a translator that converts any differences destined

6   for the client copy of the at least a portion of the data store from the first format into a second

7   format. For example, differences are translated from the generic format (e.g., SQL) to a

8   specific format compatible with the data store of the client (e.g., a localconfig.vdf file).

9   52.   The Valve system comprises a communication network. For example, Valve's

10 system requires the use of a communication network (e.g., Wi-Fi or LTE).

11   53.   The Valve system comprises a synchronizer that obtains from the differencing

12 engine any differences that are needed to make the one or more client copies of the at least a

13 portion of the data store current, and transmits the differences to the one or more client copies

14 of the at least a portion of the data store by way of the communication network. For example,

15 differences are transmitted to the client for execution to update the client data store (e.g.,

16 localconfig.vdf).

17   54.   Valve also infringes the '236 Patent in its game metadata updates. Game

18 metadata (e.g. BuildID, time last played, or number of hours played) is synchronized between

19 a Valve server and a user's computer. For example, when a game is updated, a different

20 "BuildID" for the game is transmitted to the Steam client running on a user's computer. For

21 example, if a user plays a game on a first computer, metadata associated with the gameplay

22 (e.g., time last played and number of hours played) is updated at a server. If the user logs into

23 the Steam client on a second computer, those changes are transmitted to the Steam client

24 running on the second computer.

25   55.   For example, Valve directly infringes the '236 Patent, including but not

26 limited to claim 1, by making, using, selling, and offering a system for distributing

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1   differences corresponding to one or more change events, according to the claims of the '236

2   Patent.

3   56.   Valve makes, uses sells and offers a system for distributing differences

4   corresponding to one or more change events made to a data store located on a server

5   computer, the differences being distributed to one or more client copies of at least a portion of

6   the data store, wherein the one or more client copies of the at least a portion of the data store

7   are located on one or more client computers. For example, Valve makes, uses, offers, and

8   provides a system for distributing database change events from a server to a client. Valve uses

9   a system for distributing data store change events from a server to a client when updating

10 metadata associated with games in a user's game library in the Steam client.

11   57.   The Valve system comprises a current server version of the data store

12 configured to permit modifications to data contained therein; a reference server version of the

13 data store; a differencing engine that identifies, at a given instance in time, any differences

14 between the current server version of the data store and the reference server version of the

15 data store. For example, changes to game metadata are distributed from server to client. For

16 example, as metadata changes during gameplay, the differences are detected by the server as

17 changes from the previous metadata.

18   58.   The Valve system comprises one or more updates storing one or more

19 differences generated by the differencing engine wherein the one or more differences are in a

20 first format. For example, these differences are stored in a first format (e.g., SQL).

21   59.   The Valve system comprises a translator that converts any differences destined

22 for the client copy of the at least a portion of the data store from the first format into a second

23 format. For example, differences are translated from the generic format (e.g., SQL) to a

24 specific format compatible with the data store of the client (e.g., a localconfig.vdf file or an

25 appmanifest_*.acf file).

26   60.   The Valve system comprises a communication network. For example, Valve's

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1   system requires the use of a communication network (e.g., Wi-Fi or LTE).

2   61.   The Valve system comprises a synchronizer that obtains from the differencing

3   engine any differences that are needed to make the one or more client copies of the at least a

4   portion of the data store current, and transmits the differences to the one or more client copies

5   of the at least a portion of the data store by way of the communication network. For example,

6   differences (e.g., updates to metadata of games in a user's library) are transmitted to the client

7   for execution to update the client data store (e.g., a localconfig.vdf file or an

8   appmanifest_*.acf file).

9   62.   Valve also infringes the '236 Patent in its game updates. Game files are

10   synchronized between a Valve server and a user's computer. For example, when a game

11   receives an update, rather than re-downloading an entire game, the Steam client receives

12   instructions for updating only the game files that have changed.

13   63.   For example, Valve directly infringes the '236 Patent, including but not

14   limited to claim 1, by making, using, selling, and offering a system for distributing

15   differences corresponding to one or more change events, according to the claims of the '236

16   Patent.

17   64.   Valve makes, uses sells and offers a system for distributing differences

18   corresponding to one or more change events made to a data store located on a server

19   computer, the differences being distributed to one or more client copies of at least a portion of

20   the data store, wherein the one or more client copies of the at least a portion of the data store

21   are located on one or more client computers. For example, Valve makes, uses, offers, and

22   provides a system for distributing database change events from a server to a client. Valve uses

23   a system for distributing database change events from a server to a client when updating

24   game files for a game in a user's game library in the Steam client.

25   65.   The Valve system comprises a current server version of the data store

26   configured to permit modifications to data contained therein; a reference server version of the

1   data store; a differencing engine that identifies, at a given instance in time, any differences

2   between the current server version of the data store and the reference server version of the

3   data store. For example, changes to game files are distributed from server to client. For

4   example, when a game update is available, differences are detected by the server as changes

5   from the previous game files.

6   66.   The Valve system comprises one or more updates storing one or more

7   differences generated by the differencing engine wherein the one or more differences are in a

8   first format. For example, these differences are stored in a first format (e.g., SQL).

9   67.   The Valve system comprises a translator that converts any differences destined

10 for the client copy of the at least a portion of the data store from the first format into a second

11 format. For example, differences are translated from the generic format (e.g., SQL) to a

12 specific format compatible with the database of the client (e.g., files such as TSLGame.exe or

13 state_578080_578081.patch).

14   68.   The Valve system comprises a communication network. For example, Valve's

15 system requires the use of a communication network (e.g., Wi-Fi or LTE).

16   69.   The Valve system comprises a synchronizer that obtains from the differencing

17 engine any differences that are needed to make the one or more client copies of the at least a

18 portion of the data store current, and transmits the differences to the one or more client copies

19 of the at least a portion of the data store by way of the communication network. For example,

20 instructions are transmitted to the client computer to update the client database table.

21   70.   Valve has committed its acts of infringement without license or authorization.

22   71.   Valve has injured PDS and is liable to PDS for direct and indirect

23 infringement of the claims of the '236 Patent pursuant to 35 U.S.C. § 271(a), (b), and (c).

24   72.   As a result of Defendant's infringement of the '236 Patent, PDS has suffered

25 harm and seeks monetary damages in an amount adequate to compensate for infringement,

26 but in no event less than a reasonable royalty for the use made of the invention by Valve,

FIRST AMENDED COMPLAINT FOR PATENT   **VAN KAMPEN & CROWE** PLLC
INFRINGEMENT   1001 Fourth Avenue, Suite 4050
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                                                     (206) 386-7353

1   together with interest and costs as fixed by the Court.

2   <div align="center">**PRAYER FOR RELIEF**</div>

3   Plaintiff respectfully requests the following relief from the Court:

4   A.   That Defendant has directly and indirectly infringed the Patents-in-Suit;

5   B.   That Defendant be ordered to pay damages to PDS, together with costs,

6   expenses, pre-judgment, interest and post-judgment interest as allowed by law;

7   C.   That the Court enter judgment against Defendant, and in favor of PDS in all

8   respects; and

9   D.   For any such other and further relief as the Court deems just and equitable.

10   <div align="center">**JURY TRIAL DEMANDED**</div>

11   Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PDS requests a trial by

12   jury of any issues so triable by right.

13

14   Dated: December 21, 2017

15

16   VAN KAMPEN & CROWE PLLC

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Declaration of Service

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Signed at Seattle, Washington this 21st day of December, 2017.

s/ *Al Van Kampen*

Al Van Kampen

17   **VAN KAMPEN & CROWE** PLLC