

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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PURE DATA SYSTEMS, LLC

Plaintiff,

v.

ELECTRONIC ARTS INC.

Defendant,

Civil Action No. 2:18-cv-1097

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

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 Electronic Arts Inc. (“EA” 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 solution to solve a problem unique to data storage systems, by greatly enhancing and facilitating the operation and efficiency of data storage systems.

3. For example, the inventions are directed to distributing differences from a server computer, which is a hardware system, configured to store a current version of data, which is distributed and updated over a communications network, which is

1 also a hardware system. The claimed invention further recites receiving a request from
2 a client computer, which is also a hardware system. It further recites translating
3 differences from a generic format (or in other claims a first format) into specific format
4 that is compatible with the type of data on the client computer (or in other claims a
5 second format), and transmitting the differences to the client. This improves the
6 functioning of the data storage system, for example, by efficiently using system
7 resources and permitting client systems that are intermittently (as opposed to
8 continuously) connected to a server system to synchronize with information from the
9 server. ('947 Patent, col. 1, lines 9-19; '236 Patent, col. 1, lines 13-23). Without the
10 claimed invention, data storage systems would, for example, be required to download
11 the entire set of data, which requires large amounts of bandwidth, is expensive, and
12 time consuming. ('947 Patent, col. 2, lines 1-8; '236 Patent, col. 2, lines 5-12.)
13 Without the claimed invention, another drawback is the need to make a dynamic
14 comparison of the client and original database, which requires large amounts of
15 handshaking and data transfer. ('947 Patent, col. 2, lines 9-17; '236 Patent, col. 2, lines
16 13-21.)

17 4. The technology claimed in the Patents-in-Suit presented new and unique
18 advantages over the state of the art at the time. Although the inventions taught in the
19 claims of the Patents-in-Suit have by today been widely adopted by leading businesses,
20 at the time of the invention, the technologies were innovative.

21 5. For example, during prosecution of the application that issued as the
22 '947 Patent, the Examiner at the United States Patent and Trademark Office attempted
23 to apply as prior art U.S. Patent No. 5,758,355 ("Buchanan") to the pending claims.
24 The applicants explained that Buchanan does not teach "translating database
25 differences from a generic format into instructions specific to the type of database
26 engine associated with the client copy," but rather "merely discloses the concept of bi-
27 directional synchronization of a client database and a server database, and does not
28 make any reference to translating database differences at a particular data format."

1 Similarly, during prosecution of the application that issued as the ‘236 Patent, the
2 applicants distinguished Buchanan on the basis that it does not disclose a database with
3 a translated format.

4 6. As another example, during prosecution of the application that issued as
5 the ‘947 Patent, the Examiner at the United States Patent and Trademark Office also
6 attempted to apply U.S. Patent No. 5,634,052 (“Morris”) the pending claims. The
7 applicants explained that in their invention, database differences are transmitted from
8 the server to the client, which enables the client computer to maintain an updated copy
9 of a database table stored at the server. In contrast, Morris discloses a system whereby
10 a delta file, which represents the differences between a base file and a new version of
11 the base tile, is transmitted from the client to the server. While transmitting the delta
12 files from the client to the server enables a file stored at the client to be backed up and
13 archived at the server, this function is significantly different from that of the claimed
14 invention and fails to disclose all the elements of the claim.

15 7. As another example, during prosecution of the application that issued as
16 the ‘236 Patent, the Examiner at the United States Patent and Trademark Office
17 attempted to apply U.S. Patent No. 5,870,765 (“Bauer”) to the pending claims. The
18 applicant distinguished the pending claims on the basis that they are directly opposed
19 to the disclosure of the Bauer patent.

20 8. The claims of the ‘701 Patent are not directed to a “method of organizing
21 human activity,” “fundamental economic practice long prevalent in our system of
22 commerce,” or “a building block of the modern economy.” Instead, they are limited
23 to technological solutions for data storage systems.

24 9. Additionally, the technology claimed in the Patents-in-Suit does not
25 preempt all ways for distributing differences from a server computer. For example, the
26 claims apply only to using different data formats on the server (e.g. a generic format)
27 and client (e.g. a specific format). It follows that Defendant could choose other ways
28 of distributing differences, such as using the same data formats on both the client or

1 server, or by using a specific format on the server and a generic format on the client.

2 10. Additionally, the prior art cited on the face of the Patents-in-Suit remains
3 available for practice by the Defendant, and the Patents-in-Suit do not preempt practice
4 any of those prior art systems or methods. The claims of the Patents-in-Suit cannot be
5 practiced by a human alone and there exists no human analogue to the methods and
6 systems claimed in the Patents-in-Suit. The claims are specifically directed to
7 distributing data from server computers to client computers. Components such as
8 server and client computer exist only in the context of computer-based systems, and
9 cannot be practiced by a human alone.

10 11. By practicing a system for distributing differences corresponding to one
11 or more change events, EA is infringing the claims of the Patents-in-Suit.

12 **PARTIES**

13 12. PDS is a Texas Limited Liability Company with a principal place of
14 business at 1400 Preston Road, Suite 400, Plano, Texas 75093.

15 13. On information and belief, EA is a Delaware Corporation headquartered
16 at 209 Redwood Shores Parkway, Redwood City, CA 94065. EA may be served with
17 process by delivering a summons and a true and correct copy of this Complaint to its
18 registered agent for receipt of service of process, Cogency Global Inc., 1325 J Street,
19 Suite 1550, Sacramento, CA 95814.

20 **JURISDICTION AND VENUE**

21 14. This action arises under the patent laws of the United States, Title 35 of
22 the United States Code. Accordingly, this Court has subject matter jurisdiction under
23 28 U.S.C. §§ 1331 and 1338(a).

24 15. Court has personal jurisdiction over EA because, among other reasons,
25 EA has established minimum contacts with the forum state of California.

26 16. Venue is proper in this District under 1400(b) because EA has
27 committed acts of patent infringement in this district and has a regular and established
28 place of business in this District located at 5510 Lincoln Blvd, Playa Vista, CA 90094.

COUNT I

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

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3 17. Plaintiff incorporates by reference each of the allegations in the
4 foregoing paragraphs, and further alleges as follows:

5 18. On December 7, 1999, the United States Patent and Trademark Office
6 issued the '947 Patent for inventions covering a method of distributing database
7 differences. In one claimed embodiment, a method of distributing database differences
8 corresponding to database change events made to a database table located on a server
9 computer to client copies of the database table located on one or more client computers,
10 each client computer capable of having different database engines comprising the steps
11 of: storing database differences at the server computer in a generic format; receiving
12 from a client computer a request for all database differences needed to make a client
13 copy of the database table current; translating the differences from the generic format
14 into instructions having a specific format compatible with the type of database engine
15 associated with the client copy of the database table; and transmitting the instructions
16 to the client computer for execution on the client database engine to make the client
17 copy of the database table current. A true and correct copy of the '947 Patent is
18 attached as Exhibit A.

19 19. EA has been and is now directly and indirectly infringing one or more
20 claims of the '947 Patent, in this judicial District and elsewhere in the United States.

21 20. EA infringes in its game library updates. For example, a user's game
22 library is synchronized between an EA server and a user's computer. For example, if a
23 user purchases a game through the Origin website using a browser, the user's game
24 library is updated on a server. When the user next logs into the Origin client, those
25 updates are transmitted to the Origin client running on the user's computer.

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

1 22. EA distributes database differences corresponding to database change
2 events made to a database table located on a server computer to client copies of the
3 database table located on one or more client computers, each client computer capable
4 of having different database engines. For example, EA employs a method of
5 distributing database change events from a server to a client when updating a user's
6 game library in the Origin client.

7 23. EA stores database differences at the server computer in a generic
8 format. For example, database differences (e.g., changes to a user's game library) are
9 stored in a generic format (e.g., Oracle) at an EA server computer.

10 24. EA receives from a client computer a request for all database differences
11 needed to make a client copy of the database table current. For example, a request
12 from a client computer is received to update the client copy of the database table (e.g.,
13 the list of games in a user's library).

14 25. EA translates the differences from the generic format into instructions
15 having a specific format compatible with the type of database engine associated with
16 the client copy of the database table. For example, differences are translated from the
17 generic format (e.g., Oracle) to a specific format compatible with the database of the
18 client (e.g., a local file containing the game library).

19 26. EA transmits the instructions to the client computer for execution on the
20 client database engine to make the client copy of the database table current. For
21 example, instructions are transmitted to the client computer to update the client
22 database table.

23 27. By practicing a method for distributing differences corresponding to one
24 or more change events, EA is infringing the claims of the '947 Patent, including but
25 not limited to claim 6. EA has committed these acts of infringement without license
26 or authorization.

27 28. EA also infringes in its game updates. For example, game files are
28 synchronized between an EA server and a user's computer. When a game receives an

1 update, rather than re-downloading an entire game, the Origin client receives
2 instructions for updating only the game files that have changed.

3 29. EA directly infringes the '947 Patent, including but not limited to claim
4 6, by practicing a method of distributing database differences corresponding to
5 database change events, according to the claims of the '947 Patent.

6 30. EA distributes database differences corresponding to database change
7 events made to a database table located on a server computer to client copies of the
8 database table located on one or more client computers, each client computer capable
9 of having different database engines. For example, EA employs a method of
10 distributing database change events from a server to a client when updating game files
11 for a game in a user's game library in the Origin client.

12 31. EA stores database differences (e.g., updates to game files) in a generic
13 format (e.g., Oracle) at an Origin server computer.

14 32. EA receives from a client computer a request for all database differences
15 needed to make a client copy of the database table current. For example, a request
16 from a client computer is received to update the client copy of the database table (e.g.,
17 game files).

18 33. EA translates the differences from the generic format into instructions
19 having a specific format compatible with the type of database engine associated with
20 the client copy of the database table. For example, differences are translated from the
21 generic format (e.g., Oracle) to a specific format compatible with the database of the
22 client (e.g., game files, such as "TS4.exe" and numerous "ClientDeltaBuildX.package"
23 files).

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

28 35. By practicing methods for distributing differences corresponding to one

1 or more change events, EA is infringing the claims of the '947 Patent, including but
2 not limited to claim 6. EA has committed these acts of infringement without license
3 or authorization.

4 36. EA has injured PDS and is liable to PDS for direct and indirect
5 infringement of the claims of the '947 Patent pursuant to 35 U.S.C. § 271(a), (b), and
6 (c).

7 37. As a result of Defendant's infringement of the '947 Patent, PDS has
8 suffered harm and seeks monetary damages in an amount adequate to compensate for
9 infringement, but in no event less than a reasonable royalty for the use made of the
10 invention by EA, together with interest and costs as fixed by the Court.

11 **COUNT II**

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

13 38. Plaintiff incorporates by reference each of the allegations in the
14 foregoing paragraphs, and further alleges as follows:

15 39. On November 20, 2001, the United States Patent and Trademark Office
16 issued the '236 Patent for inventions covering a system for distributing differences.
17 One claimed embodiment recites a system for distributing differences corresponding
18 to one or more change events made to a data store located on a server computer, the
19 differences being distributed to one or more client copies of at least a portion of the
20 data store, wherein the one or more client copies of the at least a portion of the data
21 store are located on one or more client computers, the system comprising: a current
22 server version of the data store configured to permit modifications to data contained
23 therein; a reference server version of the data store; a differencing engine that
24 identifies, at a given instance in time, any differences between the current server
25 version of the data store and the reference server version of the data store; one or more
26 updates storing one or more differences generated by the differencing engine wherein
27 the one or more differences are in a first format; a translator that converts any
28 differences destined for the client copy of the at least a portion of the data store from

1 the first format into a second format; a communication network; and a synchronizer
2 that obtains from the differencing engine any differences that are needed to make the
3 one or more client copies of the at least a portion of the data store current, and transmits
4 the differences to the one or more client copies of the at least a portion of the data store
5 by way of the communication network.” A true and correct copy of the ‘236 Patent is
6 attached as Exhibit B.

7 40. EA has been and is now directly and indirectly infringing one or more
8 claims of the ‘236 Patent, in this judicial District and elsewhere in the United States.

9 41. EA infringes in its game library updates. For example, a user’s game
10 library is synchronized between an EA server and a user’s computer. For example, if a
11 user purchases a game through the Origin website using a browser, the user’s game
12 library is updated on a server. When the user next logs into the Origin client, those
13 updates are transmitted to the Origin client running on the user’s computer.

14 42. For example, EA directly infringes the ‘236 Patent, including but not
15 limited to claim 1, by making, using, selling, and offering a system for distributing
16 differences corresponding to one or more change events, according to the claims of the
17 ‘236 Patent.

18 43. EA makes, uses sells and offers a system for distributing differences
19 corresponding to one or more change events made to a data store located on a server
20 computer, the differences being distributed to one or more client copies of at least a
21 portion of the data store, wherein the one or more client copies of the at least a portion
22 of the data store are located on one or more client computers. For example, EA makes,
23 uses, offers, and provides a system for distributing data store change events from a
24 server to a client when updating a user’s game library in the Origin client.

25 44. The EA system comprises a current server version of the data store
26 configured to permit modifications to data contained therein; a reference server version
27 of the data store; a differencing engine that identifies, at a given instance in time, any
28 differences between the current server version of the data store and the reference server

1 version of the data store. For example, when a game is purchased, that game is added
2 to a user's library. This difference is detected by the server as change from the previous
3 library.

4 45. The EA system comprises one or more updates storing one or more
5 differences generated by the differencing engine wherein the one or more differences
6 are in a first format. For example, these differences are stored in a first format (e.g.,
7 Oracle).

8 46. The EA system comprises a translator that converts any differences
9 destined for the client copy of the at least a portion of the data store from the first
10 format into a second format. For example, differences are translated from the generic
11 format (e.g., Oracle) to a second format compatible with the data store of the client
12 (e.g., a local file containing the game library).

13 47. The EA system comprises a communication network. For example,
14 origin requires the use of a communication network (e.g., Wi-Fi or LTE).

15 48. The EA system comprises a synchronizer that obtains from the
16 differencing engine any differences that are needed to make the one or more client
17 copies of the at least a portion of the data store current, and transmits the differences
18 to the one or more client copies of the at least a portion of the data store by way of the
19 communication network. For example, differences are transmitted to the client for
20 execution to update the client data store (e.g., a local file containing the game library).

21 49. By making, using selling, and offering a system for distributing
22 differences corresponding to one or more change events, EA is infringing the claims
23 of the '236 Patent, including but not limited to claim 1. EA has committed these acts
24 of infringement without license or authorization.

25 50. EA also infringes in its game updates. For example, game files are
26 synchronized between an EA server and a user's computer. For example, when a game
27 receives an update, rather than re-downloading an entire game, the Origin client
28 receives instructions for updating only the game files that have changed.

1 51. For example, EA directly infringes the ‘236 Patent, including but not
2 limited to claim 1, by making, using, selling, and offering a system for distributing
3 differences corresponding to one or more change events, according to the claims of the
4 ‘236 Patent.

5 52. EA makes, uses sells and offers a system for distributing differences
6 corresponding to one or more change events made to a data store located on a server
7 computer, the differences being distributed to one or more client copies of at least a
8 portion of the data store, wherein the one or more client copies of the at least a portion
9 of the data store are located on one or more client computers. EA employs a method
10 of distributing database change events from a server to a client when updating game
11 files for a game in a user’s game library in the Origin client.

12 53. The EA system comprises a current server version of the data store
13 configured to permit modifications to data contained therein; a reference server version
14 of the data store; a differencing engine that identifies, at a given instance in time, any
15 differences between the current server version of the data store and the reference server
16 version of the data store. For example, changes to game files are distributed from
17 server to client. For example, when a game update is available, differences are detected
18 by the server as changes from the previous game files.

19 54. The EA system comprises one or more updates storing one or more
20 differences generated by the differencing engine wherein the one or more differences
21 are in a first format. For example, these differences are stored in a first format (e.g.,
22 Oracle).

23 55. The EA system comprises a translator that converts any differences
24 destined for the client copy of the at least a portion of the data store from the first
25 format into a second format. For example, differences are translated from the generic
26 format (e.g., Oracle) to a specific format compatible with the database of the client
27 (e.g., files such as “TS4.exe” and numerous “ClientDeltaBuildX.package” files).

28 56. The EA system comprises a communication network. For example,

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

2 57. The EA system comprises a synchronizer that obtains from the
3 differencing engine any differences that are needed to make the one or more client
4 copies of the at least a portion of the data store current, and transmits the differences
5 to the one or more client copies of the at least a portion of the data store by way of the
6 communication network. For example, instructions are transmitted to the client
7 computer to update the client database table.

8 58. By making, using selling, and offering a system for distributing
9 differences corresponding to one or more change events, EA is infringing the claims
10 of the '236 Patent, including but not limited to claim 1. EA has committed these acts
11 of infringement without license or authorization.

12 59. EA has injured PDS and is liable to PDS for direct and indirect
13 infringement of the claims of the '236 Patent pursuant to 35 U.S.C. § 271(a), (b), and
14 (c).

15 60. As a result of Defendant's infringement of the '236 Patent, PDS has
16 suffered harm and seeks monetary damages in an amount adequate to compensate for
17 infringement, but in no event less than a reasonable royalty for the use made of the
18 invention by EA, together with interest and costs as fixed by the Court.

19 **PRAYER FOR RELIEF**

20 Plaintiff respectfully requests the following relief from the Court:

- 21 1. That Defendant has directly and indirectly infringed the Patents-in-
22 Suit;
- 23 2. That Defendant be ordered to pay damages to PDS, together with costs,
24 expenses, pre-judgment, interest and post-judgment interest as allowed by law;
- 25 3. That the Court enter judgment against Defendant, and in favor of PDS
26 in all respects; and
- 27 4. For any such other and further relief as the Court deems just and
28 equitable.

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JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PDS requests a trial by jury of any issues so triable by right.

Dated: February 8, 2018

Respectfully submitted,

/s/ Ryan E. Hatch

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