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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PURE DATA SYSTEMS, LLC

Plaintiff,

v.

UBISOFT, INC.

Defendant,

Civil Action No. 3:18-cv-852

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 Ubisoft, Inc. (“Ubisoft”), and alleges as follows:

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, Ubisoft 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, Ubisoft, Inc. is a California Corporation with
16 its principal place of business located at 625 3rd Street, San Francisco, CA 94107.
17 Ubisoft may be served with process by delivering a summons and a true and correct
18 copy of this Complaint to its registered agent for receipt of service of process, Stephen
19 Smith, Law Office of Stephen Smith, PC., 30700 Russel Rand Rd, Suite 250, Westlake
20 Village, CA 91362.

21 JURISDICTION AND VENUE

22 14. This action arises under the patent laws of the United States, Title 35 of
23 the United States Code. Accordingly, this Court has subject matter jurisdiction under
24 28 U.S.C. §§ 1331 and 1338(a).

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

27 16. Venue is proper in this District under 1400(b) because Ubisoft has
28 committed acts of patent infringement in this District and has a regular and established

1 place of business in this District located at 625 3rd Street, San Francisco, CA 94107.

2 **COUNT I**

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

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

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

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

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

28 21. Ubisoft directly infringes the '947 Patent, including but not limited to

1 claim 6, by practicing a method of distributing database differences corresponding to
2 database change events, according to the claims of the '947 Patent.

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

9 23. Ubisoft stores database differences at the server computer in a generic
10 format. For example, database differences (e.g., changes to a user's game library) are
11 stored in a generic format (e.g., SQL) at an Ubisoft server computer.

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

16 25. Ubisoft translates the differences from the generic format into
17 instructions having a specific format compatible with the type of database engine
18 associated with the client copy of the database table. For example, differences are
19 translated from the generic format (e.g., MySQL) to a specific format compatible with
20 the database of the client (e.g., the "configurations" file located in the "configuration"
21 subfolder of the "Ubisoft" directory).

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

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

1 license or authorization.

2 28. Ubisoft also infringes in its game statistics updates. Statistics (e.g., time
3 played or distance traveled) is synchronized between an Ubisoft server and a user's
4 computer. For example, if a user plays a game on a first computer, statistics associated
5 with the gameplay (e.g., time played or distance traveled) is updated at a server. If the
6 user logs into the Uplay client on a second computer, those changes are transmitted to
7 the Uplay client running on the second computer.

8 29. Ubisoft directly infringes the '947 Patent, including but not limited to
9 claim 6, by practicing a method of distributing database differences corresponding to
10 database change events, according to the claims of the '947 Patent.

11 30. Ubisoft distributes database differences corresponding to database
12 change events made to a database table located on a server computer to client copies
13 of the database table located on one or more client computers, each client computer
14 capable of having different database engines. For example, Ubisoft employs a method
15 of distributing database change events from a server to a client when updating statistics
16 associated with games in a user's game library in the Uplay client.

17 31. Ubisoft stores database differences (e.g., changes to a game's statistics
18 are stored in a generic format (e.g., MySQL) at an Ubisoft server computer.

19 32. Ubisoft receives from a client computer a request for all database
20 differences needed to make a client copy of the database table current. For example, a
21 request from a client computer is received to update the client copy of the database
22 table.

23 33. Ubisoft translates the differences from the generic format into
24 instructions having a specific format compatible with the type of database engine
25 associated with the client copy of the database table. For example, differences are
26 translated from the generic format (e.g., MySQL) to a specific format compatible with
27 the database of the client (e.g., a file in the "game_stats" folder, such as "335308d7-
28 2b09-47aa-8ffd-d5de9bb0b57b").

1 34. Ubisoft transmits the instructions to the client computer for execution on
2 the client database engine to make the client copy of the database table current. For
3 example, instructions are transmitted to the client computer to update the client
4 database table.

5 35. By practicing a method for distributing differences corresponding to one
6 or more change events, Ubisoft is infringing the claims of the '947 Patent, including
7 but not limited to claim 6. Ubisoft has committed these acts of infringement without
8 license or authorization.

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

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

16 38. Ubisoft also infringes in its game updates. Game files are synchronized
17 between a Ubisoft server and a user's computer. For example, when a game receives
18 an update, rather than re-downloading an entire game, the Uplay client receives
19 instructions for updating only the game files that have changed.

20 39. Ubisoft directly infringes the '947 Patent, including but not limited to
21 claim 6, by practicing a method of distributing database differences corresponding to
22 database change events, according to the claims of the '947 Patent.

23 40. For example, Ubisoft distributes database differences corresponding to
24 database change events made to a database table located on a server computer to client
25 copies of the database table located on one or more client computers, each client
26 computer capable of having different database engines. For example, Ubisoft employs
27 a method of distributing database change events from a server to a client when updating
28 game files for a game in a user's game library in the Uplay client.

1 41. Ubisoft stores database differences (e.g., updates to game files) are
2 stored in a generic format (e.g., MySQL) at an Ubisoft server computer.

3 42. Ubisoft receives from a client computer a request for all database
4 differences needed to make a client copy of the database table current. For example, a
5 request from a client computer is received to update the client copy of the database
6 table (e.g., game files).

7 43. Ubisoft translates the differences from the generic format into
8 instructions having a specific format compatible with the type of database engine
9 associated with the client copy of the database table. For example, differences are
10 translated from the generic format (e.g., MySQL) to a specific format compatible with
11 the database of the client (e.g., game files, such as GRW.exe).

12 44. Ubisoft transmits the instructions to the client computer for execution on
13 the client database engine to make the client copy of the database table current. For
14 example, instructions are transmitted to the client computer to update the client
15 database table.

16 45. By practicing a method for distributing differences corresponding to one
17 or more change events, Ubisoft is infringing the claims of the '947 Patent, including
18 but not limited to claim 6. Ubisoft has committed these acts of infringement without
19 license or authorization.

20 46. Ubisoft has injured PDS and is liable to PDS for direct and indirect
21 infringement of the claims of the '947 Patent pursuant to 35 U.S.C. § 271(a), (b), and
22 (c).

23 47. As a result of Defendant's infringement of the '947 Patent, PDS has
24 suffered harm and seeks monetary damages in an amount adequate to compensate for
25 infringement, but in no event less than a reasonable royalty for the use made of the
26 invention by Ubisoft, together with interest and costs as fixed by the Court.

27 **COUNT II**

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

1 48. Plaintiff incorporates by reference each of the allegations in the
2 foregoing paragraphs, and further alleges as follows:

3 49. On November 20, 2001, the United States Patent and Trademark Office
4 issued the ‘236 Patent for inventions covering a system for distributing differences.
5 One claimed embodiment recites a system for distributing differences corresponding
6 to one or more change events made to a data store located on a server computer, the
7 differences being distributed to one or more client copies of at least a portion of the
8 data store, wherein the one or more client copies of the at least a portion of the data
9 store are located on one or more client computers, the system comprising: a current
10 server version of the data store configured to permit modifications to data contained
11 therein; a reference server version of the data store; a differencing engine that
12 identifies, at a given instance in time, any differences between the current server
13 version of the data store and the reference server version of the data store; one or more
14 updates storing one or more differences generated by the differencing engine wherein
15 the one or more differences are in a first format; a translator that converts any
16 differences destined for the client copy of the at least a portion of the data store from
17 the first format into a second format; a communication network; and a synchronizer
18 that obtains from the differencing engine any differences that are needed to make the
19 one or more client copies of the at least a portion of the data store current, and transmits
20 the differences to the one or more client copies of the at least a portion of the data store
21 by way of the communication network.” A true and correct copy of the ‘236 Patent is
22 attached as Exhibit B.

23 50. Ubisoft has been and is now directly and indirectly infringing one or
24 more claims of the ‘236 Patent, in this judicial District and elsewhere in the United
25 States.

26 51. Ubisoft infringes in its game library updates. A user’s game library is
27 synchronized between an Ubisoft server and a user’s computer. For example, if a user
28 purchases a game through the Ubisoft website using a browser, the user’s game library

1 is updated on a server. When the user next logs into the Uplay client, those updates are
2 transmitted to the Uplay client running on the user's computer.

3 52. For example, Ubisoft directly infringes the '236 Patent, including but
4 not limited to claim 1, by making, using, selling, and offering a system for distributing
5 differences corresponding to one or more change events, according to the claims of the
6 '236 Patent.

7 53. Ubisoft makes, uses sells and offers a system for distributing differences
8 corresponding to one or more change events made to a data store located on a server
9 computer, the differences being distributed to one or more client copies of at least a
10 portion of the data store, wherein the one or more client copies of the at least a portion
11 of the data store are located on one or more client computers. For example, Ubisoft
12 makes, uses, offers, and provides a system for distributing data store change events
13 from a server to a client when updating a user's game library in the Uplay client.

14 54. The Ubisoft system comprises a current server version of the data store
15 configured to permit modifications to data contained therein; a reference server version
16 of the data store; a differencing engine that identifies, at a given instance in time, any
17 differences between the current server version of the data store and the reference server
18 version of the data store. For example, when a game is purchased, that game is added
19 to a user's library. This difference is detected by the server as change from the previous
20 library.

21 55. The Ubisoft system comprises one or more updates storing one or more
22 differences generated by the differencing engine wherein the one or more differences
23 are in a first format. For example, these differences are stored in a first format (e.g.,
24 MySQL).

25 56. The Ubisoft system comprises a translator that converts any differences
26 destined for the client copy of the at least a portion of the data store from the first
27 format into a second format. For example, differences are translated from the generic
28 format (e.g., MySQL) to a second format compatible with the data store of the client

1 (e.g., the “configurations” file located in the “configuration” subfolder of the “Ubisoft”
2 directory).

3 57. The Ubisoft system comprises a communication network. For example,
4 Uplay requires the use of a communication network (e.g., Wi-Fi or LTE).

5 58. The Ubisoft system comprises a synchronizer that obtains from the
6 differencing engine any differences that are needed to make the one or more client
7 copies of the at least a portion of the data store current, and transmits the differences
8 to the one or more client copies of the at least a portion of the data store by way of the
9 communication network. For example, differences are transmitted to the client for
10 execution to update the client data store (e.g., the “configurations” file located in the
11 “configuration” subfolder of the “Ubisoft” directory).

12 59. By making, using selling, and offering a system for distributing
13 differences corresponding to one or more change events, Ubisoft is infringing the
14 claims of the ‘236 Patent, including but not limited to claim 1. Ubisoft has committed
15 these acts of infringement without license or authorization.

16 60. Ubisoft also infringes in its game statistics updates. Game statistics
17 (e.g., time played or distance traveled) is synchronized between an Ubisoft server and
18 a user’s computer. For example, if a user plays a game on a first computer, statistics
19 associated with the gameplay (e.g., time played or distance traveled) is updated at a
20 server. If the user logs into the Uplay client on a second computer, those changes are
21 transmitted to the Uplay client running on the second computer.

22 61. For example, Ubisoft directly infringes the ‘236 Patent, including but
23 not limited to claim 1, by making, using, selling, and offering a system for distributing
24 differences corresponding to one or more change events, according to the claims of the
25 ‘236 Patent.

26 62. Ubisoft makes, uses sells and offers a system for distributing differences
27 corresponding to one or more change events made to a data store located on a server
28 computer, the differences being distributed to one or more client copies of at least a

1 portion of the data store, wherein the one or more client copies of the at least a portion
2 of the data store are located on one or more client computers. For example, Ubisoft
3 makes, uses, offers, and provides a system for distributing data store change events
4 from a server to a client when updating statistics associated with games in a user's
5 game library in the Uplay client.

6 63. The Ubisoft system comprises a current server version of the data store
7 configured to permit modifications to data contained therein; a reference server version
8 of the data store; a differencing engine that identifies, at a given instance in time, any
9 differences between the current server version of the data store and the reference server
10 version of the data store. For example, changes to game statistics are distributed from
11 server to client. For example, as statistics change during gameplay, the differences are
12 detected by the server as changes from the previous statistics.

13 64. The Ubisoft system comprises one or more updates storing one or more
14 differences generated by the differencing engine wherein the one or more differences
15 are in a first format. For example, these differences are stored in a first format (e.g.,
16 MySQL).

17 65. The Ubisoft system comprises a translator that converts any differences
18 destined for the client copy of the at least a portion of the data store from the first
19 format into a second format. For example, differences are translated from the generic
20 format (e.g., MySQL) to a specific format compatible with the data store of the client
21 (e.g., a file in the "game_stats" folder, such as "335308d7-2b09-47aa-8ffd-
22 d5de9bb0b57b").

23 66. The Ubisoft system comprises a communication network. For example,
24 Uplay requires the use of a communication network (e.g., Wi-Fi or LTE).

25 67. The Ubisoft system comprises a synchronizer that obtains from the
26 differencing engine any differences that are needed to make the one or more client
27 copies of the at least a portion of the data store current, and transmits the differences
28 to the one or more client copies of the at least a portion of the data store by way of the

1 communication network. For example, differences (e.g., updates to statistics of games
2 in a user's library) are transmitted to the client for execution to update the client data
3 store (e.g., a file in the "game_stats" folder, such as "335308d7-2b09-47aa-8ffd-
4 d5de9bb0b57b").

5 68. Ubisoft also infringes in its game updates. Game files are synchronized
6 between a Ubisoft server and a user's computer. For example, when a game receives
7 an update, rather than re-downloading an entire game, the Uplay client receives
8 instructions for updating only the game files that have changed.

9 69. Ubisoft makes, uses sells and offers a system for distributing differences
10 corresponding to one or more change events made to a data store located on a server
11 computer, the differences being distributed to one or more client copies of at least a
12 portion of the data store, wherein the one or more client copies of the at least a portion
13 of the data store are located on one or more client computers. For example, Ubisoft
14 employs a method of distributing database change events from a server to a client when
15 updating game files for a game in a user's game library in the Uplay client.

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

23 71. The Ubisoft system comprises one or more updates storing one or more
24 differences generated by the differencing engine wherein the one or more differences
25 are in a first format. For example, these differences are stored in a first format (e.g.,
26 MySQL).

27 72. The Ubisoft system comprises a translator that converts any differences
28 destined for the client copy of the at least a portion of the data store from the first

1 format into a second format. For example, differences are translated from the generic
2 format (e.g., MySQL) to a specific format compatible with the database of the client
3 (e.g., game files, such as GRW.exe).

4 73. The Ubisoft system comprises a communication network. For example,
5 Ubisoft's system requires the use of a communication network.

6 74. The Ubisoft system comprises a synchronizer that obtains from the
7 differencing engine any differences that are needed to make the one or more client
8 copies of the at least a portion of the data store current, and transmits the differences
9 to the one or more client copies of the at least a portion of the data store by way of the
10 communication network. For example, instructions are transmitted to the client
11 computer to update the client database table.

12 75. By making, using selling, and offering a system for distributing
13 differences corresponding to one or more change events, Ubisoft is infringing the
14 claims of the '236 Patent, including but not limited to claim 1. Ubisoft has committed
15 these acts of infringement without license or authorization.

16 76. Ubisoft has injured PDS and is liable to PDS for direct and indirect
17 infringement of the claims of the '236 Patent pursuant to 35 U.S.C. § 271(a), (b), and
18 (c).

19 77. As a result of Defendant's infringement of the '236 Patent, PDS has
20 suffered harm and seeks monetary damages in an amount adequate to compensate for
21 infringement, but in no event less than a reasonable royalty for the use made of the
22 invention by Ubisoft, together with interest and costs as fixed by the Court.

23 **PRAYER FOR RELIEF**

24 Plaintiff respectfully requests the following relief from the Court:

- 25 1. That Defendant has directly and indirectly infringed the Patents-in-
26 Suit;
- 27 2. That Defendant be ordered to pay damages to PDS, together with costs,
28 expenses, pre-judgment, interest and post-judgment interest as allowed by law;

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3. That the Court enter judgment against Defendant, and in favor of PDS in all respects; and

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

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

Ryan E. Hatch (CA SB No. 235577)
LAW OFFICE OF RYAN E. HATCH, PC
13323 Washington Blvd., Suite 100
Los Angeles, CA 90066
Work: 310-279-5076
Mobile: 310-435-6374
Fax: 310-693-5328
ryan@ryanehatch.com

*Attorney for Plaintiff,
Pure Data Systems, LLC*