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17 Attorneys for Plaintiff Preservation Technologies LLC

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 PRESERVATION TECHNOLOGIES
21 LLC,

22 *Plaintiff,*

23 v.

24 MG CONTENT RK LTD., and MG
25 CONTENT DP LTD.,

26 *Defendants.*

Civil Action No. 2:18-cv-03058

COMPLAINT

Jury Trial Demanded

1 Plaintiff Preservation Technologies LLC (“Preservation” or “Plaintiff”), by and
2 through its attorneys, for its Complaint against MG Content RK Ltd., and MG Content
3 DP Ltd. (together, “MG” or “Defendants”) hereby alleges as follows:

4 **I. NATURE OF THE ACTION**

5 1. This is a patent infringement action to end Defendants’ direct, joint,
6 contributory, and/or induced infringement of Plaintiff Preservation’s patented
7 inventions, including but not limited to Defendants’ unauthorized and infringing use,
8 sale, offering for sale, manufacture, and/or importation of methods and products
9 incorporating Plaintiff’s inventions.

10 2. The patents are owned by the University of Southern California.
11 Preservation has obtained by way of a license all substantial rights and interest to U.S.
12 Patent 5,813,014, U.S. Patent 5,832,499, U.S. Patent 6,092,080, U.S. Patent
13 6,353,831, U.S. Patent 5,832,495, U.S. Patent 6,477,537, U.S. Patent 6,199,060, U.S.
14 Patent 6,212,527, U.S. Patent 6,549,911, U.S. Patent 6,581,071, and U.S. Patent
15 6,574,638 (collectively, the “Asserted Patents”) to enforce, license and collect past
16 and present damages in this lawsuit.

17 3. Defendants provide, use, sell, offers for sale, distribute, manufacture,
18 and/or import infringing products and services, and encourages others to use its
19 products and services in an infringing manner, including its customers.

20 4. Plaintiff Preservation seeks to prevent Defendants from continuing
21 infringement of Plaintiff’s patent rights. Plaintiff further seeks past and future
22 damages and prejudgment and post judgment interest for Defendants’ past
23 infringement of the Asserted Patents.

24 **II. THE PARTIES**

25 5. Plaintiff Preservation is a limited liability company organized and
26 existing under the laws of the State of Delaware, with its principle place of business
27 located at 903 E. 18th Street, Suite 223, Plano, TX 75074.

28

1 expects or should reasonably expect its actions to have consequences within this
2 district, and derive substantial revenue from interstate and international commerce.

3 12. Venue properly lies in this district under the provisions of 28 U.S.C. §
4 1391(b), (c) and 1400 because Defendants are foreign corporations not incorporated in
5 the United States and have committed acts within this judicial district giving rise to
6 this action, and Defendants continue to conduct business in this judicial district,
7 including one or more acts of selling, using, importing and/or offering for sale
8 infringing products or providing service and support to Defendants' customers in this
9 District.

10 **IV. PLAINTIFF'S PATENTS**

11 13. On September 22, 1998, United States Patent No. 5,813,014 ("the '014
12 Patent") was duly and legally issued for a "Method and Apparatus for Management of
13 Multimedia Assets." The invention disclosed by the '014 Patent relates to a
14 multimedia system including components that allow input, information retrieval, and
15 display. The claims of the '014 Patent cover, by way of example only, a method of
16 accessing multimedia data comprising the steps of defining a catalogue, specifying a
17 search request, identifying a result, retrieving a portion of multimedia data, storing the
18 search request, and storing the search result.

19 14. On November 3, 1998, United States Patent No. 5,832,499 ("the '499
20 Patent") was duly and legally issued for a "Digital Library System." The invention
21 disclosed by the '499 Patent relates to a digital library system to capture, access,
22 manage, and distribute multimedia data. The claims of the '499 Patent, by way of
23 example only, a digital library system comprising a data capture system, an access
24 management system, and a distribution system.

25 15. On July 18, 2000, United States Patent No. 6,092,080 ("the '080 Patent")
26 was duly and legally issued for a "Digital Library System." The invention disclosed
27 by the '080 Patent relates to a digital library system that includes systems and
28 mechanisms for capturing, managing, and distributing multimedia data. The claims of

1 the '080 Patent cover, by way of example only, a digital library system comprising a
2 cataloging system, an access management system, and a distribution system.

3 16. On March 5, 2002, United States Patent No. 6,353,831 (“the '831
4 Patent”) was duly and legally issued for a “Digital Library System.” The invention
5 disclosed by the '831 Patent relates to a digital library system that includes systems
6 and mechanisms for capturing, managing, and distributing multimedia data. The
7 claims of the '831 Patent cover, by way of example only, a digital library system
8 comprising a means for cataloguing multimedia data, a means for managing access,
9 and a means for distributing.

10 17. On November 3, 1998, United States Patent No. 5,832,495 (“the '495
11 Patent”) was duly and legally issued for a “Method and Apparatus for Cataloguing
12 Multimedia Data.” The invention disclosed by the '495 Patent relates to cataloguing
13 of data such as multimedia data. It comprises a catalog including one or more catalog
14 elements, each of which has one or more attributes. The claims of the '495 Patent
15 cover e, by way of example only, a method of cataloguing comprising creating a
16 catalogue, specifying a description, creating a catalogue element, and creating a point
17 to at least one keyword.

18 18. On November 5, 2002, United States Patent No. 6,477,537 (“the '537
19 Patent”) was duly and legally issued for a “Method and Apparatus for Management of
20 Multimedia Assets.” The invention disclosed by the '537 Patent relates to a
21 multimedia system including components that allow input, information retrieval, and
22 display. The claims of the '495 Patent cover, by way of example only, an application
23 program interface (API) comprising API protocol means comprising a command
24 interface between a first system component and an additional system component
25 comprising means for selecting multimedia data, means for retrieving multimedia
26 data, and means for displaying multimedia data.

27 19. On March 6, 2001, United States Patent No. 6,199,060 (“the '060
28 Patent”) was duly and legally issued for a “Method and Apparatus for Management of

1 Multimedia Assets.” The invention disclosed by the ’060 Patent relates to a
2 multimedia system including components to allow input, information retrieval, and
3 display. The claims of the ’060 Patent cover, by way of example only, a method of
4 interfacing components in a multimedia system comprising defining a generalized
5 protocol, invoking a search request, communicating between at least two components,
6 returning a search response, invoking a retrieval request, and invoking a transmit
7 request.

8 20. On April 3, 2001, United States Patent No. 6,212,527 (“the ’527 Patent”)
9 was duly and legally issued for a “Method and Apparatus for Cataloging Multimedia
10 Data.” The invention disclosed by the ’527 Patent relates to cataloging of data such as
11 multimedia data. The claims of the ’527 Patent cover, by way of example only, a
12 method of managing the quality of a data collection of multimedia data comprising
13 reviewing multimedia data, creating a quality event, and associating the quality event
14 with input data.

15 21. On April 15, 2003, United States Patent No. 6,549,911 (“the ’911
16 Patent”) was duly and legally issued for a “Method and Apparatus for Cataloging
17 Multimedia Data.” The invention disclosed by the ’911 Patent relates to cataloging
18 of data such as multimedia data. The claims of the ’527 Patent cover, by way of
19 example only, a method of cataloging multimedia data comprising specifying a
20 description, creating a catalogue element, creating a plurality of attributes and
21 attribute elements, and creating a plurality of relationships.

22 22. On July 17, 2003, United States Patent No. 6,581,071 (“the ’071 Patent”)
23 was duly and legally issued for a “Surveying System and Method.” The invention
24 disclosed by the ’071 Patent relates to a survey system wherein multiple versions of a
25 survey may be defined and data from the survey versions may be maintained as
26 cohesive data. Each survey may comprise different sets of questions and different
27 types of answers. The claims of the ’071 Patent cover, by way of example only, a
28

1 survey method comprising obtaining a schema, obtaining a definition, and capturing
2 responses.

3 23. On June 3, 2003, United States Patent No. 6,574,638 (“the ’638 Patent”)
4 was duly and legally issued for a “Surveying System and Method.” The invention
5 disclosed by the ’638 Patent relates to a survey system wherein multiple versions of a
6 survey may be defined and data from the survey versions may be maintained as
7 cohesive data. Each survey may comprise a different set of questions and different
8 types of answers. The claims of the ’638 Patent cover, by way of example only,
9 associating multimedia data with surveying data comprising obtaining an association,
10 searching survey data, and identifying multimedia data.

11 **V. HISTORY OF THE INVENTION**

12 24. The USC Shoah Foundation, formerly known as Survivors of the Shoah
13 Visual History Foundation, (the “Shoah Foundation”) developed the patented
14 technology described in paragraphs 15-23, *supra* (collectively, the “Asserted
15 Patents”). The Asserted Patents are fully incorporated herein by reference with the
16 same force and effect as if they were given in full text. In the mid-1990s, Steven
17 Spielberg founded the Shoah Foundation to preserve the testimonies of the then living
18 50,000 holocaust survivors before their first a hand accounts of the Holocaust were
19 lost as that generation passed away. The Shoah Foundation’s impetus was to gather,
20 catalog, and make available for access thousands of video testimonies. In doing so, the
21 Shoah Foundation sought to build one of the largest video libraries in the world
22 comprising nearly 52,000 video testimonies in 32 languages from 56 countries.

23 25. In 1996, there was no digital library or other multimedia system that
24 could handle the large volume of video testimonies collected and maintained by the
25 Shoah Foundation, so Samuel Gustman, CTO of the Shoah Foundation and an
26 inventor of the Patents- in-Suit, set out to design one. Many years went into the
27 development of a functional multimedia system that could archive, catalog and
28 distribute multimedia data at this scale. Dozens of researchers at the University of

1 Southern California worked on developing and implementing this technology. The
2 claims of the patents in suit are directed to the real world problems of video archive
3 systems and embody specific technological improvements to the then existing
4 technology. Gustman created a digital library system that incorporated a unique
5 distributed modular infrastructure and advanced techniques for indexing, accessing,
6 distributing, and surveying multimedia data and involve more than the mere
7 performance of well-understood, conventional activities known in the industry. The
8 inventions underlying Gustman's system were captured in 11 U.S. patents that make
9 up the Patents-in-Suit. Today, these inventions are used to enhance the consumer
10 multimedia streaming experience in nearly every major internet company.

11 26. At the time of invention, development of multimedia distribution systems
12 was in its infancy. Transmission of video and multimedia over existing computer
13 communication networks, including the Internet, struggled with bandwidth and
14 compatibility issues that impeded the development of early multimedia distribution
15 systems. Liu, Multimedia Over IP: RSVP, RTP, RTCP, RTSP,
16 http://www.cse.wustl.edu/~jain/cis788-97/ftp/ip_multimedia/; Zambelli, A History of
17 Media Streaming and the Future of Connected TV,
18 [https://www.theguardian.com/media-network/media-network-](https://www.theguardian.com/media-network/media-network-blog/2013/mar/01/history-streaming-future-connected-tv)
19 [blog/2013/mar/01/history-streaming-future-connected-tv](https://www.theguardian.com/media-network/media-network-blog/2013/mar/01/history-streaming-future-connected-tv)

20 27. In January 2006, the Shoah Foundation became part of the Dana and
21 David Dornsife College of Letters, Arts and Sciences at the University of Southern
22 California in Los Angeles, where the testimonies in the Visual History Archive are
23 preserved.

24 28. Preservation has all substantial rights and interest to the Asserted Patents
25 for this lawsuit, including all rights to recover for all past and future infringements
26 thereof.

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28 ///

V. DEFENDANTS' ACTS

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2 29. Preservation restates and realleges each of the allegations set forth above
3 and incorporates them herein.

4 30. Upon information and belief, Defendants have infringed and continues to
5 infringe the Asserted Patents by making, providing, selling, offering for sale, using,
6 and/or distributing infringing systems, articles, and methods. Further, Defendants
7 induce and/or contribute to the infringement by one or more third parties, including by
8 way of example only providing and interacting with software (websites and mobile
9 applications) that issues computerized instructions that enable, support, direct, control,
10 and/or put into use components that practice the claimed inventions.

11 31. The infringing Defendants' systems, articles, and methods include, but
12 are not limited to, systems, articles, and methods relating to the cataloguing,
13 organizing, searching, rating, and provisioning of digital multimedia data, including
14 but not limited to Defendants' software and hardware supporting various Internet
15 websites for streaming video, and related home and mobile device specific
16 applications (the "Accused Systems"). Defendant MG Content RK Limited is the
17 holder of the copyrights associated with "RealityKings.com." Defendant MG Content
18 DP Limited is the holder of the copyrights associated with "DigitalPlayground.com."
19 Preservation alleges infringement of the Asserted Patents by the Accused Systems by
20 Defendants' websites including RealityKings.com and DigitalPlayground.com (and all
21 other Defendants' websites that use the Accused Systems and similar systems,
22 platforms and/or protocols) collectively referred to herein as "Defendants' Accused
23 Websites":

24 Preservation, without limitation, explicitly accuses all websites operated, owned, or
25 controlled by Defendants that use the Accused Systems and similar systems, platforms
26 and/or protocols in an infringing manner.

27 32. In addition to the foregoing, Defendants also provide related services and
28 associated applications for the above websites including but not limited to mobile

1 applications. Further, Defendants provide specifications and instructions for the
2 installation and operation of infringing systems and articles to its end users and
3 customers and instructs its end users and customers to use the products and software
4 in an infringing manner, including via the enumerated Accused Systems.

5 **Direct and Joint Infringement**

6 33. Preservation restates and realleges each of the allegations set forth above
7 and incorporates them herein.

8 34. Upon information and belief, Defendants use, provide and/or distribute
9 infringing systems in this jurisdiction and elsewhere. For example, Defendants
10 provide and/or distribute infringing Accused Systems to its customers and third
11 parties. It uses software and hardware to process queries and requests by third parties.
12 Accused systems used by, put into use by, provided and/or distributed by Defendants
13 include, by way of example only, Defendants' websites and mobile applications and
14 associated computerized instructions, user interfaces, media players, and multimedia.

15 35. Upon information and belief, Defendants use, put into use, provide
16 software, applications, mobile applications, hardware and/or instructions to third
17 parties including by way of example only its users, CDNs and customers, who
18 download Defendants' software, applications, and/or mobile applications in
19 accordance with Defendants' provided instructions. Defendants' software interacts
20 with Defendants' servers and/or service by communication with and giving and/or
21 receiving instructions, data, and other information to and from Defendants' servers.

22 36. Upon information and belief, Defendants exercise control over the
23 devices of its customers and third parties. Defendants' customers and third parties
24 download Defendants' software and/or mobile applications to their devices and
25 Defendants exercise control over those devices by sending computerized instructions,
26 providing user interfaces, and providing protocols to allow its customers and third
27 parties to interact with Defendants' servers and to use Defendants' systems.

28

1 Defendants control the interactions between customer and third party devices and its
2 systems in an infringing manner in this jurisdiction and elsewhere.

3 37. Upon information and belief, Defendants' employees, in this Judicial
4 District and elsewhere, operate the Accused Systems in an infringing manner, such as
5 by way of example only (1) using the Accused Systems to support websites and
6 applications; (2) putting into use by others (3) demonstrating the Accused System, (4)
7 testing the Accused System, and (5) using the Accused Systems to catalogue
8 multimedia.

9 38. All of the above acts constitute acts of direct infringement.

10 **Induced and Contributory Infringement**

11 39. Preservation restates and realleges each of the allegations set forth above
12 and incorporates them herein.

13 40. Upon information and belief, Defendants' acts described as acts of direct
14 infringement concerning the manufacture, use, offer for sale, sale operation,
15 distribution, and/or installation of Defendants' systems and/or software and those
16 described below also constitute acts of induced and contributory infringement.

17 41. Upon information and belief, third parties including Defendants'
18 customers, users, CDNs and owners within this jurisdiction and elsewhere directly
19 infringe the Asserted Patents and Defendants induce and/or contribute to that
20 infringement. As an example only, end users of Defendants' Accused Websites,
21 including, but not limited to Defendants' RealityKings.com and
22 DigitalPlayground.com websites retrieve adult videos, clips, and other multimedia
23 types by using (and putting into use) the systems and solutions claimed by the
24 Asserted Patents. Further, users upload multimedia to Defendants' system and
25 catalogue the uploaded multimedia in an infringing manner. Both the software made
26 available at Defendants' websites and instructions provided by Defendants induce
27 users and third parties to use an infringing system and method, and the third parties do
28 in fact infringe.

1 42. Defendants induce users and third parties to infringe by providing
2 monetary and/or other compensation, such as for uploading and cataloguing
3 multimedia.

4 43. To the extent that some elements of a claim are performed by a different
5 party than Defendants, Defendants, through its software and infringing systems, puts
6 the claimed system of the Asserted Patents into service as described herein and
7 receives a benefit upon performance of steps of the methods of the Asserted Patent.
8 To the extent multimedia is provided by third party servers or networks, Defendants'
9 systems and/or Defendants' customers' systems put these third-party systems into use.
10 For example, Defendants provide software instructions downloaded by third parties
11 that put into use the third parties' players and systems. Third parties put into use
12 Defendants' systems by searching for and retrieving multimedia in an infringing
13 manner. Further, Defendants' software establishes the manner and/or timing of the
14 performance of steps of the Asserted Patents, such as establishing the manner and/or
15 timing of user's cataloguing of multimedia.

16 44. Upon information and belief, Defendants receive a benefit from such
17 actions by the third parties as it allows Defendants to provide a desirable product or
18 allows the third parties to purchase products and services from Defendants.

19 45. Upon information and belief, Defendants provide its customers and/or
20 other third parties instructions, materials, advertisements, services, encouragement,
21 and software to use, load, and/or operate the Accused Systems in an infringing
22 manner. Sending computerized instructions are acts of control by Defendants on the
23 players of third parties. Upon information and belief, Defendants further induce its
24 customers and third parties to use the Accused Systems by providing subscriptions for
25 the Accused Systems. Defendants have actively induced infringement by its customers
26 and/or third parties in this jurisdiction.

27 46. Upon information and belief, Defendants have acted with the specific
28 intent to induce or cause infringement and to conduct acts of infringement as

1 described herein within this jurisdiction and elsewhere. Defendants continue to
2 provide instructions to its customers and third parties to operate the Accused Systems
3 in an infringing manner since having notice and actual knowledge of the Asserted
4 Patents. Defendants' notice and actual knowledge of the Asserted Patents are more
5 fully set forth in paragraphs 53 - 56 below.

6 47. Upon information and belief, customers and users of the Accused
7 Systems reside in this jurisdiction and conduct acts of infringement within this
8 jurisdiction. Upon information and belief, Defendants have been and continue to
9 indirectly infringe the Asserted Patents within this jurisdiction and elsewhere in the
10 United States by, among other things, inducing and/or contributing to third parties'
11 infringement of the claims of the Asserted Patents without Plaintiff's authority.

12 48. Upon information and belief, Defendants provide, make, sell, and offer
13 its Accused Systems with the specific intention that its customers and/or other third
14 party direct infringers use the Accused Systems in an infringing manner. Upon
15 information and belief, Defendants provide and instruct third parties to use the
16 Accused Systems in the manner claimed in the Asserted Patents.

17 49. Upon information and belief, the Accused Systems have no substantial
18 non-infringing use and is especially made and/or adapted so as to infringe the
19 Asserted Patents.

20 50. Upon information and belief, Defendants know its systems, articles and
21 services are especially made or especially adapted for use in an infringement of the
22 Asserted Patents and not a staple article or commodity of commerce suitable for
23 substantial non-infringing use.

24 51. Other than the '071 and '638 Patents, MindGeek USA Incorporated
25 ("MG USA") acquired knowledge of the Asserted Patents no later than September 30,
26 2014, the date MG USA received Plaintiff's Notice of Infringement letter. MG USA
27 received notice of the '071 and '638 Patents no later than Plaintiff's Notice of
28 Infringement letter of October 3, 2014.

1 58. Defendants indirectly infringe the '014 Patent by inducing or
2 contributing to the infringement of the '014 Patent, including but not limited to
3 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

4 59. Defendants do not have a license or permission to use the claimed subject
5 matter of the '014 Patent.

6 60. As a direct and proximate result of Defendants' direct, joint, induced,
7 and/or contributory infringement of the '014 Patent, Preservation has been injured and
8 has been caused significant financial damage.

9 61. Defendants' aforementioned acts have caused damage to Preservation
10 and will continue to do so unless and until enjoined.

11 62. Preservation alleges upon information and belief that Defendants have,
12 knowingly or with willful blindness, willfully infringed one or more claims of the
13 '014 patent. Defendants had knowledge of the Asserted Patents as set forth above,
14 having been advised of the existence and substance of the Asserted Patents by
15 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
16 its knowledge or despite that it should have known of an objectively high likelihood
17 that its actions constituted infringement of Preservation's valid patent rights, continue
18 to infringe.

19 63. This objectively-defined risk was either known or so obvious that it
20 should have been known to Defendants. Preservation seeks enhanced damages
21 pursuant to 35 U.S.C. § 284 from Defendants.

22 64. As a result of Defendants' infringement of the '014 Patent, Preservation
23 has suffered monetary damages. Defendants are thus liable to Preservation in an
24 amount that adequately compensates it for Defendants' infringement, which, by law,
25 cannot be less than a reasonable royalty, together with interest and costs as fixed by
26 this Court under 35 U.S.C. § 284.

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28 ///

COUNT 2

(Direct and indirect infringement of United States Patent No. 5,832,499)

65. Preservation restates and realleges each of the allegations set forth above and incorporates them herein.

66. Defendants, without permission of Preservation, have been and are presently infringing multiple claims of the '499 Patent, as infringement is defined by 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused Systems. By way of example only, Defendants' Accused Websites such as RealityKings.com and DigitalPlayground.com are an article of manufacture comprising computer readable code configured to cause a computer to search a local cache, cause a computer to retrieve a multimedia data from a remote cache, and cause a computer to retrieve multimedia data from permanent storage and thus uses the invention covered by at least one claim of the '499 Patent, such as but not limited to claim 16.

67. Defendants indirectly infringe the '499 Patent by inducing or contributing to the infringement of the '499 Patent, including but not limited to infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

68. Defendants does not have a license or permission to use the claimed subject matter of the '499 Patent.

69. As a direct and proximate result of Defendants' direct, joint, induced, and/or contributory infringement of the '499 Patent, Preservation has been injured and has been caused significant financial damage.

70. Defendants' aforementioned acts have caused damage to Preservation and will continue to do so unless and until enjoined.

71. Preservation alleges upon information and belief that Defendants have, knowingly or with willful blindness, willfully infringed one or more claims of the '499 patent. Defendants had knowledge of the Asserted Patents as set forth above, having been advised of the existence and substance of the Asserted Patents by

1 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
2 its knowledge or despite that it should have known of an objectively high likelihood
3 that its actions constituted infringement of Preservation's valid patent rights, continue
4 to infringe.

5 72. This objectively-defined risk was either known or so obvious that it
6 should have been known to Defendants. Preservation seeks enhanced damages
7 pursuant to 35 U.S.C. § 284 from Defendants.

8 73. As a result of Defendants' infringement of the '499 Patent, Preservation
9 has suffered monetary damages. Defendants are thus liable to Preservation in an
10 amount that adequately compensates it for Defendants' infringement, which, by law,
11 cannot be less than a reasonable royalty, together with interest and costs as fixed by
12 this Court under 35 U.S.C. § 284.

13 **COUNT 3**

14 **(Direct and indirect infringement of United States Patent No. 6,092,080)**

15 74. Preservation restates and realleges each of the allegations set forth above
16 and incorporates them herein.

17 75. Defendants, without permission of Preservation, has been and is
18 presently infringing multiple claims of the '080 Patent, as infringement is defined by
19 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
20 Systems. By way of example only, Defendants' Accused Websites such as
21 RealityKings.com and DigitalPlayground.com include a digital library system
22 comprising a cataloguing system, an access management system, and a distribution
23 system and thus uses the invention covered by at least one claim of the '080 Patent,
24 such as but not limited to claim 14.

25 76. Defendants indirectly infringe the '080 Patent by inducing or
26 contributing to the infringement of the '080 Patent, including but not limited to
27 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).
28

1 77. Defendants do not have a license or permission to use the claimed subject
2 matter of the '080 Patent.

3 78. As a direct and proximate result of Defendants' direct, joint, induced,
4 and/or contributory infringement of the '080 Patent, Preservation has been injured and
5 has been caused significant financial damage.

6 79. Defendants' aforementioned acts have caused damage to Preservation
7 and will continue to do so unless and until enjoined.

8 80. Preservation alleges upon information and belief that Defendants have,
9 knowingly or with willful blindness, willfully infringed one or more claims of the
10 '080 patent. Defendants had knowledge of the Asserted Patents as set forth above,
11 having been advised of the existence and substance of the Asserted Patents by
12 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
13 its knowledge or despite that it should have known of an objectively high likelihood
14 that its actions constituted infringement of Preservation's valid patent rights, continue
15 to infringe.

16 81. This objectively-defined risk was either known or so obvious that it
17 should have been known to Defendants. Preservation seeks enhanced damages
18 pursuant to 35 U.S.C. § 284 from Defendants.

19 82. As a result of Defendants' infringement of the '080 Patent, Preservation
20 has suffered monetary damages. Defendants are thus liable to Preservation in an
21 amount that adequately compensates it for Defendants' infringement, which, by law,
22 cannot be less than a reasonable royalty, together with interest and costs as fixed by
23 this Court under 35 U.S.C. § 284.

24 **COUNT 4**

25 **(Direct and indirect infringement of United States Patent No. 6,353,831)**

26 83. Preservation restates and realleges each of the allegations set forth above
27 and incorporates them herein.

28

1 84. Defendants, without permission of Preservation, have been and are
2 presently infringing multiple claims of the '831 Patent, as infringement is defined by
3 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
4 Systems. By way of example only, Defendants' Accused Websites such as
5 RealityKings.com and DigitalPlayground.com include a digital library system
6 comprising a means for cataloguing multimedia data, a means for managing access,
7 and a means for distributing multimedia data and thus uses the invention covered by at
8 least one claim of the '831 Patent, such as but not limited to claim 1.

9 85. Defendants indirectly infringe the '831 Patent by inducing or
10 contributing to the infringement of the '831 Patent, including but not limited to
11 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

12 86. Defendants do not have a license or permission to use the claimed subject
13 matter of the '831 Patent.

14 87. As a direct and proximate result of Defendants' direct, joint, induced,
15 and/or contributory infringement of the '831 Patent, Preservation has been injured and
16 has been caused significant financial damage.

17 88. Defendants' aforementioned acts have caused damage to Preservation
18 and will continue to do so unless and until enjoined.

19 89. Preservation alleges upon information and belief that Defendants have,
20 knowingly or with willful blindness, willfully infringed one or more claims of the
21 '831 patent. Defendants have knowledge of the Asserted Patents as set forth above,
22 having been advised of the existence and substance of the Asserted Patents by
23 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
24 its knowledge or despite that it should have known of an objectively high likelihood
25 that its actions constituted infringement of Preservation's valid patent rights, continue
26 to infringe.

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1 97. Defendants' aforementioned acts have caused damage to Preservation
2 and will continue to do so unless and until enjoined.

3 98. Preservation alleges upon information and belief that Defendants have,
4 knowingly or with willful blindness, willfully infringed one or more claims of the
5 '495 patent. Defendants have knowledge of the Asserted Patents as set forth above,
6 having been advised of the existence and substance of the Asserted Patents by
7 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
8 its knowledge or despite that it should have known of an objectively high likelihood
9 that its actions constituted infringement of Preservation's valid patent rights, continue
10 to infringe.

11 99. This objectively-defined risk was either known or so obvious that it
12 should have been known to Defendants. Preservation seeks enhanced damages
13 pursuant to 35 U.S.C. § 284 from Defendants.

14 100. As a result of Defendants' infringement of the '495 Patent, Preservation
15 has suffered monetary damages. Defendants are thus liable to Preservation in an
16 amount that adequately compensates it for Defendants' infringement, which, by law,
17 cannot be less than a reasonable royalty, together with interest and costs as fixed by
18 this Court under 35 U.S.C. § 284.

19 **COUNT 6**

20 **(Direct and indirect infringement of United States Patent No. 6,477,537)**

21 101. Preservation restates and realleges each of the allegations set forth above
22 and incorporates them herein.

23 102. Defendants, without permission of Preservation, have been and are
24 presently infringing multiple claims of the '537 Patent, as infringement is defined by
25 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
26 Systems. By way of example only, Defendants' Accused Websites such as
27 RealityKings.com and DigitalPlayground.com include an API comprising API
28 protocol means comprising a command interface comprising means for selecting

1 multimedia data, means for retrieving multimedia data, and means for displaying
2 multimedia data and thus uses the invention covered by at least one claim of the '537
3 Patent, such as but not limited to claim 1.

4 103. Defendants indirectly infringe the '537 Patent by inducing or
5 contributing to the infringement of the '537 Patent, including but not limited to
6 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

7 104. Defendants do not have a license or permission to use the claimed subject
8 matter of the '537 Patent.

9 105. As a direct and proximate result of Defendants' direct, joint, induced,
10 and/or contributory infringement of the '537 Patent, Preservation has been injured and
11 has been caused significant financial damage.

12 106. Defendants' aforementioned acts have caused damage to Preservation
13 and will continue to do so unless and until enjoined.

14 107. Preservation alleges upon information and belief that Defendants have,
15 knowingly or with willful blindness, willfully infringed one or more claims of the
16 '537 patent. Defendants had knowledge of the Asserted Patents as set forth above,
17 having been advised of the existence and substance of the Asserted Patents by
18 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
19 its knowledge or despite that it should have known of an objectively high likelihood
20 that its actions constituted infringement of Preservation's valid patent rights, continue
21 to infringe.

22 108. This objectively-defined risk was either known or so obvious that it
23 should have been known to Defendants. Preservation seeks enhanced damages
24 pursuant to 35 U.S.C. § 284 from Defendants.

25 109. As a result of Defendants' infringement of the '537 Patent, Preservation
26 has suffered monetary damages. Defendants are thus liable to Preservation in an
27 amount that adequately compensates it for Defendants' infringement, which, by law,
28

1 cannot be less than a reasonable royalty, together with interest and costs as fixed by
2 this Court under 35 U.S.C. § 284.

3 **COUNT 7**

4 **(Direct and indirect infringement of United States Patent No. 6,199,060)**

5 110. Preservation restates and realleges each of the allegations set forth above
6 and incorporates them herein.

7 111. Defendants, without permission of Preservation, have been and are
8 presently infringing multiple claims of the '060 Patent, as infringement is defined by
9 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
10 Systems. By way of example only, Defendants' Accused Websites such as
11 RealityKings.com and DigitalPlayground.com include a computer usable medium
12 having computer readable code configured to cause a computer to define a generalized
13 protocol, invoke a search request, communicate between at least two components,
14 return a search result, invoke a retrieval request, and invoke a transmit request and
15 thus uses the invention covered by at least one claim of the '060 Patent, such as but
16 not limited to claim 14.

17 112. Defendants indirectly infringe the '060 Patent by inducing or
18 contributing to the infringement of the '060 Patent, including but not limited to
19 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

20 113. Defendants do not have a license or permission to use the claimed subject
21 matter of the '060 Patent.

22 114. As a direct and proximate result of Defendants' direct, joint, induced,
23 and/or contributory infringement of the '060 Patent, Preservation has been injured and
24 has been caused significant financial damage.

25 115. Defendants' aforementioned acts have caused damage to Preservation
26 and will continue to do so unless and until enjoined.

27 116. Preservation alleges upon information and belief that Defendants have,
28 knowingly or with willful blindness, willfully infringed one or more claims of the

1 '060 patent. Defendants had knowledge of the Asserted Patents as set forth above,
2 having been advised of the existence and substance of the Asserted Patents by
3 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
4 its knowledge or despite that it should have known of an objectively high likelihood
5 that its actions constituted infringement of Preservation's valid patent rights, continue
6 to infringe.

7 117. This objectively-defined risk was either known or so obvious that it
8 should have been known to Defendants. Preservation seeks enhanced damages
9 pursuant to 35 U.S.C. § 284 from Defendants.

10 118. As a result of Defendants' infringement of the '060 Patent, Preservation
11 has suffered monetary damages. Defendants are thus liable to Preservation in an
12 amount that adequately compensates it for Defendants' infringement, which, by law,
13 cannot be less than a reasonable royalty, together with interest and costs as fixed by
14 this Court under 35 U.S.C. § 284.

15 **COUNT 8**

16 **(Direct and indirect infringement of United States Patent No. 6,212,527)**

17 119. Preservation restates and realleges each of the allegations set forth above
18 and incorporates them herein.

19 120. Defendants, without permission of Preservation, have been and are
20 presently infringing multiple claims of the '527 Patent, as infringement is defined by
21 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
22 Systems. By way of example only, Defendants' Accused Websites such as
23 RealityKings.com and DigitalPlayground.com operate a method of managing
24 multimedia data collection quality comprising reviewing multimedia data, creating a
25 quality event, and associating the quality event with an input data portion of the
26 multimedia data and thus uses the invention covered by at least one claim of the '527
27 Patent, such as but not limited to claim 1.

28

1 121. Defendants indirectly infringe the '527 Patent by inducing or
2 contributing to the infringement of the '527 Patent, including but not limited to
3 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

4 122. Defendants do not have a license or permission to use the claimed subject
5 matter of the '527 Patent.

6 123. As a direct and proximate result of Defendants' direct, joint, induced,
7 and/or contributory infringement of the '527 Patent, Preservation has been injured and
8 has been caused significant financial damage.

9 124. Defendants' aforementioned acts have caused damage to Preservation
10 and will continue to do so unless and until enjoined.

11 125. Preservation alleges upon information and belief that Defendants have,
12 knowingly or with willful blindness, willfully infringed one or more claims of the
13 '527 patent. Defendants had knowledge of the Asserted Patents as set forth above,
14 having been advised of the existence and substance of the Asserted Patents by
15 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
16 its knowledge or despite that it should have known of an objectively high likelihood
17 that its actions constituted infringement of Preservation's valid patent rights, continue
18 to infringe.

19 126. This objectively-defined risk was either known or so obvious that it
20 should have been known to Defendants. Preservation seeks enhanced damages
21 pursuant to 35 U.S.C. § 284 from Defendants.

22 127. As a result of Defendants' infringement of the '527 Patent, Preservation
23 has suffered monetary damages. Defendants are thus liable to Preservation in an
24 amount that adequately compensates it for Defendants' infringement, which, by law,
25 cannot be less than a reasonable royalty, together with interest and costs as fixed by
26 this Court under 35 U.S.C. § 284.

27 ///

28 ///

COUNT 9

(Direct and indirect infringement of United States Patent No. 6,549,911)

128. Preservation restates and realleges each of the allegations set forth above and incorporates them herein.

129. Defendants, without permission of Preservation, have been and are presently infringing multiple claims of the '911 Patent, as infringement is defined by 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused Systems. By way of example only, Defendants' Accused Websites such as RealityKings.com and DigitalPlayground.com include an article of manufacture comprising computer readable code configured to cause a computer to specify a description for a portion of multimedia data, create a catalogue element, create a plurality of attribute and attribute elements, and create a plurality of relationships between the catalogue element, attributes, and attribute elements and thus uses the invention covered by at least one claim of the '911 Patent, such as but not limited to claim 14.

130. Defendants indirectly infringe the '911 Patent by inducing or contributing to the infringement of the '911 Patent, including but not limited to infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

131. Defendants do not have a license or permission to use the claimed subject matter of the '911 Patent.

132. As a direct and proximate result of Defendants' direct, joint, induced, and/or contributory infringement of the '911 Patent, Preservation has been injured and has been caused significant financial damage.

133. Defendants' aforementioned acts have caused damage to Preservation and will continue to do so unless and until enjoined.

134. Preservation alleges upon information and belief that Defendants have, knowingly or with willful blindness, willfully infringed one or more claims of the '911 patent. Defendants had knowledge of the Asserted Patents as set forth above,

1 having been advised of the existence and substance of the Asserted Patents by
2 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
3 its knowledge or despite that it should have known of an objectively high likelihood
4 that its actions constituted infringement of Preservation's valid patent rights, continue
5 to infringe.

6 135. This objectively-defined risk was either known or so obvious that it
7 should have been known to Defendants. Preservation seeks enhanced damages
8 pursuant to 35 U.S.C. § 284 from Defendants.

9 136. As a result of Defendants' infringement of the '911 Patent, Preservation
10 has suffered monetary damages. Defendants is thus liable to Preservation in an
11 amount that adequately compensates it for Defendants' infringement, which, by law,
12 cannot be less than a reasonable royalty, together with interest and costs as fixed by
13 this Court under 35 U.S.C. § 284.

14 **COUNT 10**

15 **(Direct and indirect infringement of United States Patent No. 6,581,071)**

16 137. Preservation restates and realleges each of the allegations set forth above
17 and incorporates them herein.

18 138. Defendants, without permission of Preservation, have been and are
19 presently infringing multiple claims of the '071 Patent, as infringement is defined by
20 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
21 Systems. By way of example only, Defendants' Accused Websites such as
22 RealityKings.com and DigitalPlayground.com include a memory for storing survey
23 information comprising first and second sets of elements stored in memory and thus
24 uses the invention covered by at least one claim of the '071 Patent, such as but not
25 limited to claim 9.

26 139. Defendants indirectly infringe the '070 Patent by inducing or
27 contributing to the infringement of the '071 Patent, including but not limited to
28 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

1 140. Defendants do not have a license or permission to use the claimed subject
2 matter of the '070 Patent.

3 141. As a direct and proximate result of Defendants' direct, joint, induced,
4 and/or contributory infringement of the '071 Patent, Preservation has been injured and
5 has been caused significant financial damage.

6 142. Defendants' aforementioned acts have caused damage to Preservation
7 and will continue to do so unless and until enjoined.

8 143. Preservation alleges upon information and belief that Defendants have,
9 knowingly or with willful blindness, willfully infringed one or more claims of the
10 '071 patent. Defendants had knowledge of the Asserted Patents as set forth above,
11 having been advised of the existence and substance of the Asserted Patents by
12 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite
13 its knowledge or despite that it should have known of an objectively high likelihood
14 that its actions constituted infringement of Preservation's valid patent rights, continue
15 to infringe.

16 144. This objectively-defined risk was either known or so obvious that it
17 should have been known to Defendants. Preservation seeks enhanced damages
18 pursuant to 35 U.S.C. § 284 from Defendants.

19 145. As a result of Defendants' infringement of the '071 Patent, Preservation
20 has suffered monetary damages. Defendants are thus liable to Preservation in an
21 amount that adequately compensates it for Defendants' infringement, which, by law,
22 cannot be less than a reasonable royalty, together with interest and costs as fixed by
23 this Court under 35 U.S.C. § 284.

24 **COUNT 11**

25 **(Direct and indirect infringement of United States Patent No. 6,574,638)**

26 146. Preservation restates and realleges each of the allegations set forth above
27 and incorporates them herein.

28

1 147. Defendants, without permission of Preservation, have been and are
2 presently infringing multiple claims of the '638 Patent, as infringement is defined by
3 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused
4 Systems. By way of example only, Defendants' Accused Websites such as
5 RealityKings.com and DigitalPlayground.com associate multimedia data with survey
6 data comprising obtaining an association between the data, searching the survey data
7 to identify a catalogue element, and identifying multimedia data using the catalogue
8 element and thus uses the invention covered by at least one claim of the '638 Patent,
9 such as but not limited to claim 1. As an example of indirect infringement, end users
10 of the www.RealityKings.com and DigitalPlayground.com websites participate in
11 surveys whereby an end user receives and answers one or more questions related to
12 multimedia data (for example, can comment upon and/or rate the adult videos, clips
13 and other media hosted by the website).

14 148. Defendants indirectly infringe the '638 Patent by inducing or
15 contributing to the infringement of the '638 Patent, including but not limited to
16 infringement by its customers/consumers, in violation of 35 U.S.C. § 271(b)-(c)&(f).

17 149. Defendants do not have a license or permission to use the claimed subject
18 matter of the '638 Patent.

19 150. As a direct and proximate result of Defendants' direct, joint, induced,
20 and/or contributory infringement of the '638 Patent, Preservation has been injured and
21 has been caused significant financial damage.

22 151. Defendants' aforementioned acts have caused damage to Preservation
23 and will continue to do so unless and until enjoined.

24 152. Preservation alleges upon information and belief that Defendants have,
25 knowingly or with willful blindness, willfully infringed one or more claims of the
26 '638 patent. Defendants had knowledge of the Asserted Patents as set forth above,
27 having been advised of the existence and substance of the Asserted Patents by
28 Preservation. Defendants acted with knowledge of the Asserted Patents, and, despite

1 its knowledge or despite that it should have known of an objectively high likelihood
2 that its actions constituted infringement of Preservation's valid patent rights, continue
3 to infringe.

4 153. This objectively-defined risk was either known or so obvious that it
5 should have been known to Defendants. Preservation seeks enhanced damages
6 pursuant to 35 U.S.C. § 284 from Defendants.

7 154. As a result of Defendants' infringement of the '638 Patent, Preservation
8 has suffered monetary damages. Defendants are thus liable to Preservation in an
9 amount that adequately compensates it for Defendants' infringement, which, by law,
10 cannot be less than a reasonable royalty, together with interest and costs as fixed by
11 this Court under 35 U.S.C. § 284.

12 **JURY DEMAND**

13 Plaintiff Preservation hereby requests a trial by jury on all matters to which it is
14 entitled to trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff Preservation respectfully requests that the Court:

- 17 A. Enter judgment that Defendants directly infringe, contribute to
18 infringement, or induce others to infringe one or more claims of the
19 Asserted Patents literally and/or under the doctrine of equivalents;
- 20 B. Permanently enjoin Defendants, their agents, servants, and employees,
21 and all those in privity with Defendants or in active concert and
22 participation with Defendants, from engaging in acts of infringement of
23 the Asserted Patents;
- 24 C. Award Plaintiff past and future damages together with prejudgment and
25 post-judgment interest to compensate for the infringement by Defendants
26 of the Asserted Patents in accordance with 35 U.S.C. § 284;
- 27 D. Declare this case exceptional pursuant to 35 U.S.C. § 285; and
28

1 E. Award Plaintiff Preservation its costs, disbursements, attorney's fees, and
2 such further and additional relief as deemed appropriate by this Court.
3

4 DATE: April 11, 2018

STRADLING YOCCA CARLSON &
5 RAUTH, P.C.

6
7 By: /s/ Douglas Q. Hahn

Douglas Q. Hahn

8 Salil Bali

9 Attorneys for Plaintiff

10 Preservation Technologies, LLC
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