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16 *Attorneys for Plaintiff*  
17 LINKSMART WIRELESS TECHNOLOGY, LLC

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LINKSMART WIRELESS  
TECHNOLOGY, LLC

*Plaintiff,*

*v.*

UNITED CONTINENTAL  
HOLDINGS, INC. and UNITED  
AIRLINES, INC.

*Defendants.*

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 **Complaint**

2 1. Plaintiff Linksmart Wireless Technology, LLC (“Linksmart” or  
3 “Plaintiff”), files this Complaint against Defendants United Continental Holdings,  
4 Inc. and United Airlines, Inc. (collectively “United” or “Defendants”), and alleges  
5 as follows:

6 **Nature of the Action**

7 2. This is a civil action for patent infringement arising under the patent  
8 laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271  
9 *et seq.* and 281-285.

10 3. On June 27, 2017, the U.S. Patent and Trademark Office duly and  
11 legally issued U.S. Reissued Patent No. RE46,459 (the “’459 patent” or “Asserted  
12 Patent”), entitled “User specific automatic data redirection system,” to Koichiro  
13 Ikudome and Moon Tai Yeung as the named inventors after full and fair  
14 examination. A true and correct copy of the ’459 patent is attached hereto as Exhibit  
15 A and incorporated herein by reference.

16 4. United has infringed and continues to infringe one or more claims of  
17 the Asserted Patent.

18 **The Parties**

19 5. Linksmart was founded by Koichuru (“Ko”) Ikudome, who along with  
20 co-inventor Moon Tai Yeung, created the innovation claimed by the ’459 patent.

21 6. In 1996, Mr. Ikudome, after over a decade of IT industry and business  
22 experience in Japan and the United States, founded and became the CEO of Auric  
23 Web Systems, Inc. (later renamed AuriQ Systems, Inc.). Mr. Ikudome and Mr.  
24 Yeung, Auric’s Director of Technology, developed innovative and fundamental  
25 technologies for users and Internet service providers (ISPs) to enable access to  
26 information and commerce on the then-nascent Internet and World Wide Web.

27 7. Among Auric’s significant product innovations was the “WEBGate  
28 card.” Auric created the WEBGate card as a prepaid long-distance Internet access

1 card with a pre-determined time limit. Like a prepaid phone card, the Auric's  
2 innovative WEBGate card allowed Internet access from anywhere in the United  
3 States without paying a long-distance phone bill or looking up local access numbers  
4 when users were away from their home or office. As Auric further developed the  
5 technology needed to make WEBGate work, Auric also developed other innovative  
6 products to enable electronic commerce on the Internet, such as EC Gateway, which  
7 combined an access control system at an ISP system with a CGI module to add  
8 customizable graphical buttons to a merchant's homepage to allow customers to  
9 make purchases more easily and add value to Internet services.

10 8. While Auric's Internet access products received substantial interest and  
11 found some customers, the dot-com crash intervened and directly damaged the  
12 potential customers for this product. Auric was thus forced to seek out new business  
13 directions, ultimately resulting in AuriQ Systems' present-day business focused on  
14 data analytics. Mr. Ikudome subsequently formed Linksmart as a way to continue to  
15 derive value from the intellectual property of his and Auric's innovative  
16 technological contributions, including the Asserted Patent. Many companies have  
17 directly benefitted from the licensed use of Linksmart's patented technology in the  
18 products and services they provide to their customers. United, however, has taken  
19 advantage of Linksmart's patented technology, selling products and services that  
20 practice the '459 patent, in wanton disregard of Linksmart's exclusive property  
21 rights.

22 9. Plaintiff Linksmart is a limited liability company organized and  
23 existing under the laws of State of California with its principal place of business at  
24 199 S. Los Robles, Suite 440, Pasadena, California 91101.

25 10. Defendants are both corporations organized and existing under the laws  
26 of the State of Delaware. Defendant United Continental Holdings, Inc., is the holding  
27 company whose primary subsidiary is defendant United Airlines, Inc.  
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**Jurisdiction**

11. Subject matter jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1381 and 1338(a).

12. United is subject to this Court's personal jurisdiction because it has a regular and established place of business in this District, including its ground operations and other permanent business operations located at various facilities, including, by way of example, at Los Angeles International Airport, 1 World Way, Los Angeles, California. United is also subject to this Court's personal jurisdiction because United has committed and induced acts of patent infringement and has regularly and systematically conducted and solicited business in this District by and through at least its sales and offers for sale of its products and services, including wireless Internet products and services, and other contractual arrangements with customers and third parties using such United products and services located in and/or doing business in this District.

**Venue**

13. As set forth above, United has a regular and established place of business in the Central District of California. In particular, for example, United maintains ground operations and other permanent business operations at Los Angeles International Airport, 1 World Way, Los Angeles, California and other airports in this District, including, for example, John Wayne / Orange County Airport, 18601 Airport Way, Santa Ana, California, as well as at the United Cargo facility at 5832 W Century Blvd., Los Angeles, California. Further, United has committed acts of infringement in this District, including, developing, testing, distributing, advertising, operating, selling, offering for sale, using and/or supporting products or services that fall within one or more claims of the Asserted Patent. Accordingly, venue to adjudicate whether the Asserted Patent is infringed is appropriate in the Central District of California pursuant to 28 U.S.C. §§ 1391 and 1400(b).

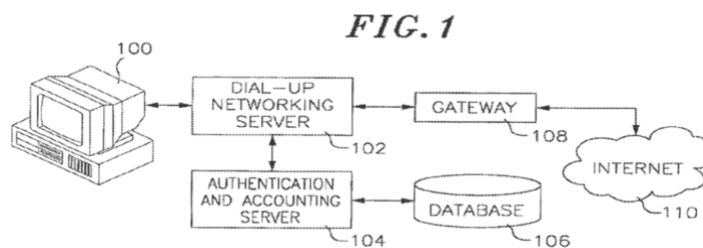
### Linksmart's Patented Invention

14. The '459 patent is directed to a system for Internet access in a server that dynamically redirects users, i.e., a "redirection server," based on rules that are dynamically and automatically modified by the redirection server itself based on a function of factors that may include, among others, time, user input, data transmitted to the user, or the Internet location accessed by the user.

15. The innovative technology underlying the '459 patent is described in "User Specific Automatic Web Redirection System," a technical innovation report co-authored by Mr. Ikudome and Mr. Yeung. This report was filed as U.S. Provisional Pat. App. No. 60/084,014 (the "'014 app."), which is attached hereto as Exhibit B and is incorporated herein by reference. The '459 patent claims priority to this provisional application, and its disclosure is incorporated fully in the '459 patent's disclosure by reference.

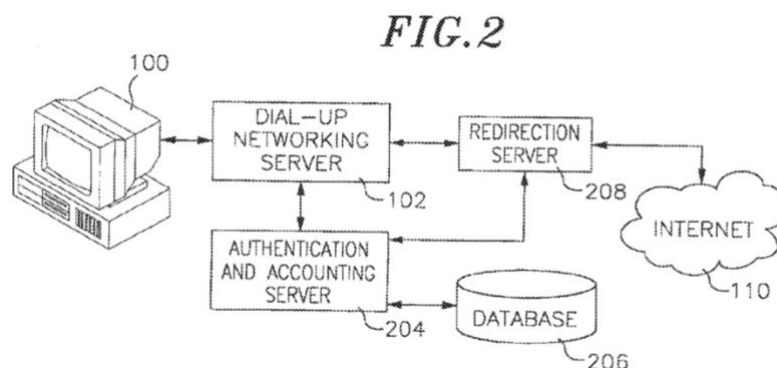
16. The automatic redirection system described in the '459 patent provides a novel architecture for Internet access. At the time of the invention, it was conventionally understood that the World Wide Web was inherently a "passive system," in which the "user must supply the exact destination, a Web site, before the desired information can be retrieved." *See* '014 app. at 4. When a user was connected to the Internet, and the user requested a particular location on the Internet, the user was sent to that requested location. Ikudome and Yeung developed an innovative automatic redirection system that could provide a more flexible way to mediate a user's access to the Internet.

17. Figure 1 of the '459 patent shows an ISP environment for Internet access in the absence of redirection:



18. In such a conventional ISP environment, a user accesses the Internet by connecting to the ISP, at which point networking software at the user end and the ISP begin “negotiating.” The ISP authenticates a user’s login information, typically from a database. Once authentication is successful, a network connection is established through the Internet gateway at the ISP. A commercial ISP may also send an accounting request to bill the user for the access.

19. Figure 2 of the ’459 patent shows the role of a redirection server, as provided by the ’459 patent, in the ISP environment:



20. In one embodiment described in the ’459 patent, a redirection server runs on the gateway to the Internet. Once the user is connected to the ISP in this case, the user’s requests to the Internet first go to the redirection server. There, the redirection server can filter the requests based on a rule set to either the location requested by the user, or some other location based on rule sets programmed in the redirection server. By way of example, rule sets could be programmed such that a user would need to access a location, e.g., a page with advertising, before being able to freely surf the Web. *See, e.g.,* ’459 pat. at 7:10-13. As another example, a rule set could require a user to access a questionnaire before accessing the Internet. *See* ’459 pat. at 8:9-14.

21. Another embodiment described in the ’459 patent further provides that the redirection server is configured to be able to automatically modify the rule sets dynamically. For example, if a questionnaire provided by an external server is filled out, the rule set can be changed so that the user no longer needs to access the

1 questionnaire to gain access to the Internet. *See* '459 pat. at 14-18. As another  
2 example of the redirection server automatically modifying the rule set if a user has  
3 obtained access to the Internet through paid access for a limited time, the user's  
4 Internet access could be disabled once that time has been exceeded. *See* '459 pat. at  
5 7:65-8:2.

6 22. The unconventional features of the embodiments described by the '459  
7 patent provided improvements to and solved problems associated with redirection  
8 methods and systems that existed at the time of the invention, as described in the  
9 '459 patent's disclosure. *See id.* at 1:48-3:3.

10 23. In the prior art, redirection was conventionally performed by html code  
11 on a web page that a user would need to manually access after the user has already  
12 gained access to the Internet. The '459 patent, however, describes embodiments that  
13 allow redirection to occur at the Internet gateway or before the user can access to  
14 remote web servers. *See id.* at 2:6-11.

15 24. Another way in which redirection could be implemented in the prior art  
16 was packet filtering at the Internet Protocol (IP) layer, for example, through a  
17 firewall device or firewall at the Internet router. Information about an IP packet  
18 being sent through a network could be used to allow filtering of the packet to  
19 different network locations. However, while packet filtering, e.g., at a firewall, could  
20 be controlled locally by a network administrator, it was a static technology, in which  
21 the rule set could only be changed by manually reprogramming the packet filtering  
22 device. '459 pat. at 2:29-36.

23 25. The '459 patent also describes prior methods in which packet filter  
24 devices were used with proxy systems to control access to the Internet. In such a  
25 method, a packet filter or firewall can prevent web access requests with the exception  
26 of traffic coming from a proxy server. The way that proxy servers worked was that  
27 a terminal had to be allowed access to a proxy server through which to send web  
28 requests. The proxy server was programmed with a list of blocked or allowed



1 addresses, and requests to addresses were blocked or allowed according to that list.  
2 As the '459 patent describes, such systems were limited in that they could only block  
3 or allow specific terminals or sets of terminals' access to remote sites, and the rules  
4 for access were static and needed to be reprogrammed, i.e., by some external server,  
5 in order to change which locations specific terminals could access. *See* '459 pat. at  
6 2:65-3:3.

7 26. The '459 patent issued from U.S. Patent App. No. 14/691,246. The file  
8 history of the application from which the patent issued is available from the United  
9 States Patent and Trademark Office, including electronically through the Office's  
10 Public Patent Application Information Retrieval (PAIR) website, and is in  
11 incorporated by reference herein.

12 27. The '459 patent, therefore, provides an advantageous technological  
13 solution to the problem of mediating user access to the Internet through a redirection  
14 server which can automatically modify rule sets for redirection dynamically while  
15 connected to a user through a network connection. Among the benefits of the '459  
16 patent's novel redirection system solution is that (1) redirection is automatic, i.e., a  
17 user does not need to request a particular external address; it can be reconfigured for  
18 specific users or categories of users; (2) the system can be easily installed and  
19 configured by the ISP and it is resilient to potential failures; and (3) the system can  
20 dynamically reconfigure the rule set controlling the user's access to the Internet,  
21 such as by a function of time or user or external inputs while the user is connected.  
22 *See, e.g.,* '014 app. at 8; *see also* the '459 patent.

### 23 Cause of Action

#### 24 Infringement of the Linksmart Patent

25 28. The foregoing paragraphs are incorporated by reference as if fully set  
26 forth herein.



29. United is unlawfully using Linksmart's patented technology. United relies on technology covered by the Asserted Patent to enable its core service, for example by providing Internet access to passengers traveling on board aircraft.

30. United has used, made, offered for sale, and/or sold Internet access systems for use in aviation operations, and elsewhere, that infringed the Asserted Patent, or induce or contribute to the infringement of the Asserted Patent.

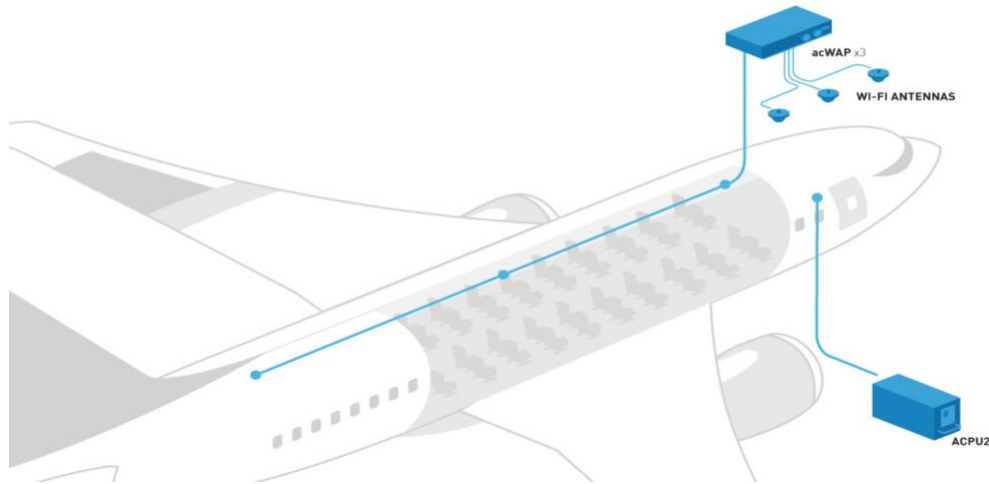
31. United has directly infringed and will continue to infringe, directly and indirectly through induced infringement, one or more claims of the '459 patent, including at least claim 91, among other claims, by making, using, selling, offering for sale, or importing in this District and elsewhere into the United States systems and/or methods covered by one or more claims of the '459 patent including, but not limited to the system that it has installed in its aircraft that uses Gogo technology for United's passengers to access ISP services for aviation operations (the "Accused System"). Further discovery may reveal additional infringing products, devices, systems and/or methods.

32. By way of example only, the Accused System infringes an exemplary claim of the '459 patent, claim 91, as in the following description, which Linksmart provides without the benefit of information about the Accused System obtained through discovery. Claim 91 claims a system, such as the Accused System, comprising:

- a. *a redirection server programmed with a user's rule set correlated to a temporarily assigned network address.* By way of example, among United's systems enable United's aircraft passengers on its flights to access the Internet are systems that employ Gogo technology.<sup>1</sup> Though United's infringement is not limited to those systems that employ Gogo technology, by way

<sup>1</sup> See, e.g., "United Wi-Fi," <https://www.united.com/CMS/en-US/products/travelproducts/Pages/United-WiFi.aspx>.

of an exemplary illustration of United's infringement, Gogo's corporate website describes hardware components onboard aircraft that are connected to Gogo's communication network. As shown below, Gogo shows that aircraft are equipped with "ACPU-2," described as a "[n]ext-generation onboard server unit that uploads and downloads data to the aircraft both inflight and on the ground. *See* "In-Cabin Network Hardware for inflight connectivity and entertainment," <https://www.gogoair.com/commercial/in-cabin-network>.



When a user accesses Gogo's network through the server, the user does so through a temporarily assigned network address. A rule set programmed in the redirection server initially forces and redirects the user's web browser to the Gogo inflight wi-fi service portal, i.e., the "Gogo Portal." *See, e.g.,* "Passenger Services," <https://www.gogoair.com/commercial/passenger-services/>. ("The Gogo Portal is the interface providing passengers access to the Internet and other inflight entertainment options on board.").

- b. *wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a*

1 *public network.* The server that provides the passenger's gateway  
 2 to the Internet from on board the aircraft is configured to be able  
 3 to redirect the passenger to the Gogo Portal regardless of which  
 4 Internet address the passenger requests.

5 c. *wherein the redirection server is configured to automatically*  
 6 *modify at least a portion of the rule set while the rule set is*  
 7 *correlated to the temporarily assigned network address.* For  
 8 example, upon a passenger's payment or other login  
 9 authentication by the server on board the aircraft, the server  
 10 modifies its rule set to allow that passenger access to the Internet.  
 11 By way of another example, "Gogo's digital ad server displays  
 12 advertisements within the portal, and ads can even be tailored to  
 13 certain routes, devices, and targeted audiences." *See also* "Gogo  
 14 Portal Brochure" at 12, *available for download at*  
 15 [https://www.gogoair.com/learning-center/gogo-portal-](https://www.gogoair.com/learning-center/gogo-portal-brochure/?download=true)  
 16 [brochure/?download=true.](https://www.gogoair.com/learning-center/gogo-portal-brochure/?download=true)

17 d. *wherein the redirection server is configured to modify at least a*  
 18 *portion of the rule set as a function of some combination of time,*  
 19 *data transmitted to or from the user, or location the user*  
 20 *accesses.* For example, upon payment or authentication of a  
 21 passenger's credentials, i.e., use of a pre-determined pass or  
 22 login that provides access, a portion of the rule set is modified by  
 23 providing the user with Internet access for a limited amount of  
 24 time (e.g., 30 minutes), while the rule set is correlated to the  
 25 temporarily assigned network address given to the user.

26 e. *wherein the redirection server is configured to modify at least a*  
 27 *portion of the rule set as a function of time while the rule set is*  
 28 *correlated to the temporarily assigned network address.* For

1 example, upon payment for a limited time of Internet use, a  
2 portion of the rule set is modified by providing the user with  
3 Internet access for a limited amount of time (e.g., 30 minutes),  
4 while the rule set is correlated to the temporarily assigned  
5 network address given to the user.

6 33. United indirectly infringes the '459 patent, under 35 U.S.C. § 271(b),  
7 by actively inducing direct infringement by others, for example, United passengers  
8 who use the Accused System provided by United for Internet Access following  
9 United's instructions on how to access the Wi-Fi network. By at least the filing date  
10 and/or service date of this Complaint, United had knowledge of the '459 patent and  
11 that its actions resulted in direct infringement of the '459 patent. United also knew  
12 or was willfully blind that its actions would induce direct infringement by others and  
13 intended that its actions would do so.

14 34. In accordance with 35 U.S.C. § 287, United has had knowledge of the  
15 Asserted Patent at least as of the filing date of this Complaint and/or the date this  
16 Complaint was served.

17 35. Despite United's knowledge of the Asserted Patent and its infringing  
18 activities, United continues to make, use, market, offer for sale, and/or sell in the  
19 United States systems that infringe the Asserted Patent. United has continued to  
20 infringe in wanton disregard of Linksmart's patent rights.

21 36. United's continued infringement of the Asserted Patent has damaged  
22 and will continue to damage Linksmart.

### 23 Damages

24 37. The foregoing paragraphs are incorporated by reference as if fully set  
25 forth herein.

26 38. As a result of United's acts of infringement, Linksmart has suffered  
27 actual and consequential damages; however, Linksmart does not yet know the full  
28 extent of the infringement. The extent of United's infringement and damages

suffered by Linksmart cannot be ascertained except through discovery and special accounting. To the fullest extent permitted by law, Linksmart seeks recovery of damages at least for reasonable royalties, unjust enrichment, and benefits received by United as a result of infringing the patents-in-suit. Linksmart further seeks any other damages to which Linksmart is entitled under law or in equity.

### **Irreparable Harm to Linksmart**

39. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

40. Linksmart has been irreparably harmed by United's acts of infringement. Linksmart will continue to be irreparably harmed unless and until United's acts of infringement are enjoined by this Court. Linksmart has no adequate remedy at law to redress United's continuing acts of infringement. The hardships that would be imposed upon United are less than those faced by Linksmart should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

### **Attorneys' Fees**

41. United's infringement of the Asserted Patent is exceptional, and Linksmart is entitled to recover reasonable and necessary attorneys' fees under applicable law.

### **Prayer for Relief**

**WHEREFORE**, Linksmart respectfully requests that this Court enter judgment in its favor and grant the following relief:

- a. A judgment that United directly and/or indirectly infringes the '459 patent;
- b. An Order enjoining, permanently, United and its respective officers, directors, agents, partners, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with

any of them, from engaging in infringing activities with respect to the '459 patent;

- c. A judgment that United's infringement has been willful and that United's continued infringement of the '459 patent is willful;
- d. A ruling that this case is exception and awarding Linksmart its reasonable attorneys' fees under 35 U.S.C. § 285;
- e. A judgment and order requiring United to pay Linksmart damages in an amount adequate to compensate Linksmart for United's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of judgment, with an accounting, as needed, as well as treble damages for willful infringement under 35 U.S.C. § 284;
- f. Award enhanced damages pursuant to 35 U.S.C. § 284;
- g. A judgment and order requiring United to pay Linksmart's costs of this action (including all disbursements);
- h. An order for an accounting of damages;
- i. A judgment and order requiring United to pay pre-judgment and post-judgment interest to the full extent allowed under the law; and
- j. Award such other and further relief as the Court may deem just and proper under the circumstances.

### **Demand for Jury Trial**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff Linksmart Wireless Technology, LLC demands trial by jury on all issues so triable.

RUSS, AUGUST & KABAT

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Respectfully submitted,

Dated: April 20, 2018

RUSS AUGUST & KABAT

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LINKSMART WIRELESS

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