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 LINKSMART WIRELESS TECHNOLOGY, LLC

11
 12 **UNITED STATES DISTRICT COURT**
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14
 15 LINKSMART WIRELESS
 TECHNOLOGY, LLC

16 *Plaintiff,*

17 *v.*

18
 19 BRITISH AIRWAYS, PLC.

20 *Defendant.*

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 **Complaint**

2 1. Plaintiff Linksmart Wireless Technology, LLC (“Linksmart” or
3 “Plaintiff”), files this Complaint against Defendant British Airways, Plc. (“British
4 Airways” or “Defendant”), and alleges as follows:

5 **Nature of the Action**

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

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

15 4. British Airways has infringed and continues to infringe one or more
16 claims of the Asserted Patent.

17 **The Parties**

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

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

26 7. Among Auric’s significant product innovations was the “WEBGate
27 card.” Auric created the WEBGate card as a prepaid long-distance Internet access
28 card with a pre-determined time limit. Like a prepaid phone card, the Auric’s

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

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

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

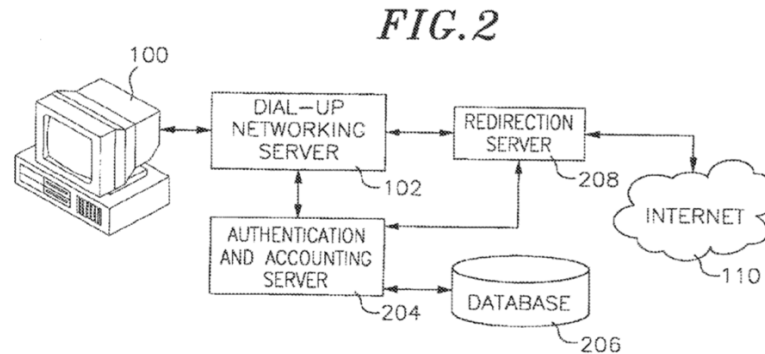
24 10. Defendant British Airways is a public limited organized and existing
25 under the laws of the United Kingdom.

26 **Jurisdiction**

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

1 an accounting request to bill the user for the access.

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



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

20 21. Another embodiment described in the '459 patent further provides that
21 the redirection server is configured to be able to automatically modify the rule sets
22 dynamically. For example, if a questionnaire provided by an external server is filled
23 out, the rule set can be changed so that the user no longer needs to access the
24 questionnaire to gain access to the Internet. *See '459 pat. at 14-18.* As another
25 example of the redirection server automatically modifying the rule set if a user has
26 obtained access to the Internet through paid access for a limited time, the user's
27 Internet access could be disabled once that time has been exceeded. *See '459 pat. at*
28 *7:65-8:2.*

1 22. The unconventional features of the embodiments described by the '459
2 patent provided improvements to and solved problems associated with redirection
3 methods and systems that existed at the time of the invention, as described in the
4 '459 patent's disclosure. *See id.* at 1:48-3:3.

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

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

18 25. The '459 patent also describes prior methods in which packet filter
19 devices were used with proxy systems to control access to the Internet. In such a
20 method, a packet filter or firewall can prevent web access requests with the exception
21 of traffic coming from a proxy server. The way that proxy servers worked was that
22 a terminal had to be allowed access to a proxy server through which to send web
23 requests. The proxy server was programmed with a list of blocked or allowed
24 addresses, and requests to addresses were blocked or allowed according to that list.
25 As the '459 patent describes, such systems were limited in that they could only block
26 or allow specific terminals or sets of terminals' access to remote sites, and the rules
27 for access were static and needed to be reprogrammed, i.e., by some external server,
28 in order to change which locations specific terminals could access. *See* '459 pat. at

1 2:65-3:3.

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

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

18 **Cause of Action**

19 **Infringement of the Linksmart Patent**

20 28. The foregoing paragraphs are incorporated by reference as if fully set
21 forth herein.

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

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

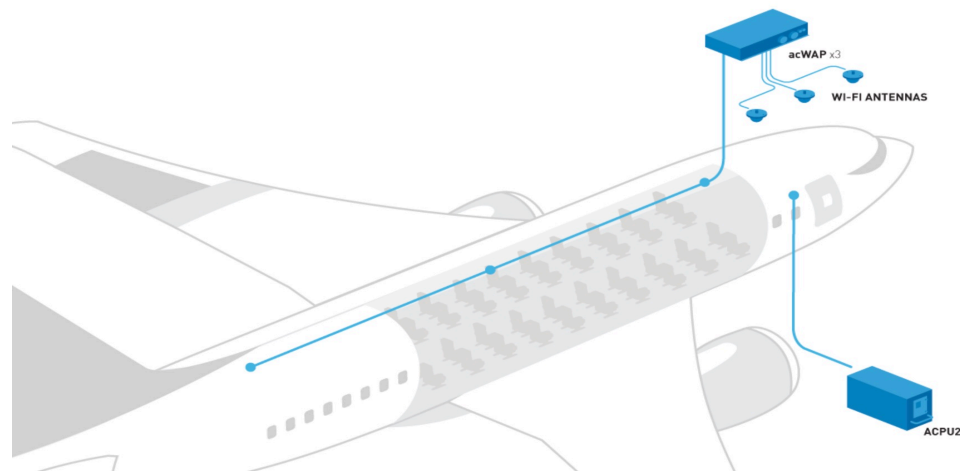
1 31. British Airways has directly infringed and will continue to infringe,
2 directly and indirectly through induced infringement, one or more claims of the '459
3 patent, including at least claim 91, among other claims, by making, using, selling,
4 offering for sale, or importing in this District and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

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

- 15 a. *a redirection server programmed with a user's rule set*
16 *correlated to a temporarily assigned network address.* For
17 example, British Airways has a system that employs Gogo
18 technology to enable British Airways' aircraft passengers to
19 access the Internet.¹ As an illustration of British Airways's
20 Accused System, Gogo's corporate website describes hardware
21 components onboard aircraft that are connected to Gogo's
22 communication network. As shown below, Gogo shows that
23 aircraft are equipped with "ACPU-2," described as a "[n]ext-
24 generation onboard server unit that uploads and downloads data

25 _____
26 ¹ See, e.g., "British Airways launches inflight connectivity on long-haul fleet,"
27 *GetConnected*, published on February 5, 2018,
28 <https://www.getconnected.aero/2018/02/british-airways-inflight-connectivity-long-haul-fleet/> ("The long-haul connectivity is being provided by Gogo and its 2Ku solution.").

1 to the aircraft both inflight and on the ground. See “In-Cabin
 2 Network Hardware for inflight connectivity and entertainment,”
 3 <https://www.gogoair.com/commercial/in-cabin-network>.



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12 When a user accesses Gogo’s network through the server, the
 13 user does so through a temporarily assigned network address. A
 14 rule set programmed in the redirection server initially forces and
 15 redirects the user’s web browser to the Gogo inflight wi-fi
 16 service portal, i.e., the “Gogo Portal.” See, e.g., “Passenger
 17 Services,” [https://www.gogoair.com/commercial/passenger-](https://www.gogoair.com/commercial/passenger-services/)
 18 [services/](https://www.gogoair.com/commercial/passenger-services/). (“The Gogo Portal is the interface providing
 19 passengers access to the Internet and other inflight entertainment
 20 options on board.”).

- 21 b. *wherein the rule set contains at least one of a plurality of*
 22 *functions used to control data passing between the user and a*
 23 *public network*. The server that provides the passenger’s gateway
 24 to the Internet from on board the aircraft is configured to be able
 25 to redirect the passenger to the Gogo Portal regardless of which
 26 Internet address the passenger requests.
- 27 c. *wherein the redirection server is configured to automatically*
 28 *modify at least a portion of the rule set while the rule set is*

1 *correlated to the temporarily assigned network address.* For
2 example, upon a passenger’s payment or other login
3 authentication by the server on board the aircraft, the server
4 modifies its rule set to allow that passenger access to the Internet.
5 By way of another example, “Gogo’s digital ad server displays
6 advertisements within the portal, and ads can even be tailored to
7 certain routes, devices, and targeted audiences.” *See also* “Gogo
8 Portal Brochure” at 12, *available for download at*
9 [https://www.gogoair.com/learning-center/gogo-portal-](https://www.gogoair.com/learning-center/gogo-portal-brochure/?download=true)
10 [brochure/?download=true.](https://www.gogoair.com/learning-center/gogo-portal-brochure/?download=true)

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

20 e. *wherein the redirection server is configured to modify at least a*
21 *portion of the rule set as a function of time while the rule set is*
22 *correlated to the temporarily assigned network address.* For
23 example, upon payment for a limited time of Internet use, a
24 portion of the rule set is modified by providing the user with
25 Internet access for a limited amount of time (e.g., 30 minutes),
26 while the rule set is correlated to the temporarily assigned
27 network address given to the user.
28

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1 by British Airways as a result of infringing the patents-in-suit. Linksmart further
2 seeks any other damages to which Linksmart is entitled under law or in equity.

3 **Irreparable Harm to Linksmart**

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

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

13 **Attorneys' Fees**

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

17 **Prayer for Relief**

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

- 20 a. A judgment that British Airways directly and/or indirectly infringes the
21 '459 patent;
- 22 b. An Order enjoining, permanently, British Airways and its respective
23 officers, directors, agents, partners, servants, employees, attorneys,
24 licensees, successors, and assigns, and those in active concert or
25 participation with any of them, from engaging in infringing activities
26 with respect to the '459 patent;

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- c. A judgment that British Airways’s infringement has been willful and that British Airways’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 British Airways to pay Linksmart damages in an amount adequate to compensate Linksmart for British Airways’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 British Airways 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 British Airways 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.

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Respectfully submitted,

Dated: April 20, 2018

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