

1 RUSS, AUGUST & KABAT
 Larry C. Russ, State Bar No. 82760
 2 lruss@raklaw.com
 Marc A. Fenster, State Bar No. 181067
 3 mfenster@raklaw.com
 Benjamin T. Wang, State Bar No. 228712
 4 bwang@raklaw.com
 Kent N. Shum, State Bar No. 259189
 5 kshum@raklaw.com
 Bahrad A. Sokhansanj, State Bar No. 285185
 6 bsokhansanj@raklaw.com
 12424 Wilshire Boulevard, 12th Floor
 7 Los Angeles, California 90025
 Telephone: (310) 826-7474
 8 Facsimile: (310) 826-6991

9 *Attorneys for Plaintiff*
 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 ALASKA AIRLINES, INC.

20 *Defendant.*

Case No. 2:18-cv-03345 AG (JDEx)

[Assigned to The Honorable Andrew J. Guilford, Courtroom 10D]

**FIRST AMENDED COMPLAINT;
 DEMAND FOR JURY TRIAL**

Original Complaint Filed:
 April 20, 2018

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

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

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

23 10. Defendant Alaska Air is a corporation organized and existing under the
24 laws of the State of Alaska.

25 **Jurisdiction**

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

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1 12. Defendant Alaska Air is subject to this Court’s personal jurisdiction
2 because it has a regular and established place of business in this District, with its
3 ground operations and other permanent business operations located at various
4 facilities, including, by way of example, at Los Angeles International Airport,
5 Terminal 6, 600 World Way, Los Angeles, California.¹ Alaska Air is also subject to
6 this Court’s personal jurisdiction because Alaska Air has committed and induced
7 acts of patent infringement and has regularly and systematically conducted and
8 solicited business in this District by and through at least its sales and offers for sale
9 of its products and services, including wireless Internet products and services, and
10 other contractual arrangements with customers and third parties using such Alaska
11 Air products and services located in and/or doing business in this District.

12 **Venue**

13 13. As set forth above, Alaska Air has a regular and established place of
14 business in the Central District of California. In particular, for example, Alaska Air
15 maintains ground operations and other permanent business operations at Los
16 Angeles International Airport, Terminal 6, which is located in this District at 600
17 World Way, Los Angeles, California, and at Alaska Air Cargo’s facility located at
18 5721 West Imperial Highway, Los Angeles, California. Further, Alaska Air has
19 committed acts of infringement in this District, including, developing, testing,
20 distributing, advertising, operating, selling, offering for sale, using and/or supporting
21 products or services that fall within one or more claims of the Asserted Patent.
22 Accordingly, venue to adjudicate whether the Asserted Patent is infringed is
23 appropriate in the Central District of California pursuant to 28 U.S.C. §§ 1391 and
24 1400(b).

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28 ¹ *See, e.g.*, “LAX Terminal Move,” by Christie O’Toole, April 20, 2017,
<https://blog.alaskaair.com/travel-tips/lax-terminal-6/>.

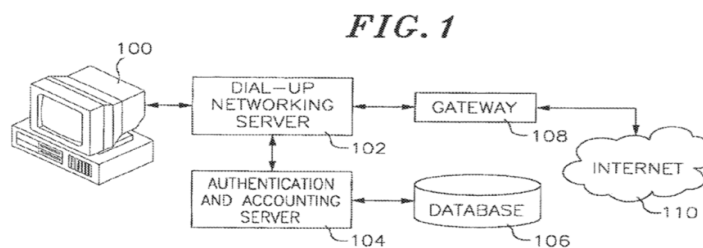
Linksmart's Patented Invention

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.

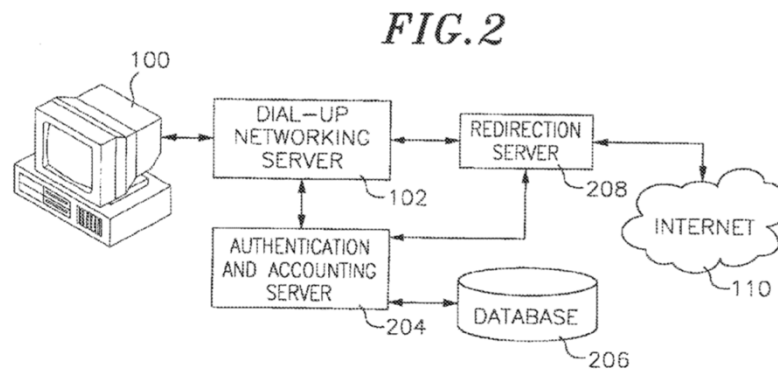
16. The automatic redirection system described in the '459 patent provides a novel architecture for Internet access. At the time of the invention, it was conventionally understood that the World Wide Web was inherently a "passive system," in which the "user must supply the exact destination, a Web site, 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:



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

7 19. Figure 2 of the ’459 patent shows the role of a redirection server, as



15 provided by the ’459 patent, in the ISP environment:

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

26 21. Another embodiment described in the ’459 patent further provides that
 27 the redirection server is configured to be able to automatically modify the rule sets
 28 dynamically. For example, if a questionnaire provided by an external server is filled

1 out, the rule set can be changed so that the user no longer needs to access the
2 questionnaire to gain access to the Internet. *See* '459 pat. at 14-18. As another
3 example of the redirection server automatically modifying the rule set if a user has
4 obtained access to the Internet through paid access for a limited time, the user's
5 Internet access could be disabled once that time has been exceeded. *See* '459 pat. at
6 7:65-8:2.

7 22. The unconventional features of the embodiments described by the '459
8 patent provided improvements to and solved problems associated with redirection
9 methods and systems that existed at the time of the invention, as described in the
10 '459 patent's disclosure. *See id.* at 1:48-3:3.

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

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

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

1 requests. The proxy server was programmed with a list of blocked or allowed
2 addresses, and requests to addresses were blocked or allowed according to that list.
3 As the '459 patent describes, such systems were limited in that they could only block
4 or allow specific terminals or sets of terminals' access to remote sites, and the rules
5 for access were static and needed to be reprogrammed, i.e., by some external server,
6 in order to change which locations specific terminals could access. *See* '459 pat. at
7 2:65-3:3.

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

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

24 **Cause of Action**

25 **Infringement of the Linksmart Patent**

26 28. The foregoing paragraphs are incorporated by reference as if fully set
27 forth herein.
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1 29. Alaska Air is unlawfully using Linksmart’s patented technology.
2 Alaska Air relies on technology covered by the Asserted Patent to enable its core
3 service, for example by providing Internet access to passengers traveling on board
4 aircraft.

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

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

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

- 22 a. *a redirection server programmed with a user’s rule set*
23 *correlated to a temporarily assigned network address.* Alaska
24 Air has a system that employs Gogo technology to enable Alaska
25 Air’s aircraft passengers to access the Internet. *See, e.g., “Inflight*
26 *Wi-Fi,”* [https://www.alaskaair.com/content/travel-info/flight-](https://www.alaskaair.com/content/travel-info/flight-experience/inflight-entertainment/wifi)
27 [experience/inflight-entertainment/wifi.](https://www.alaskaair.com/content/travel-info/flight-experience/inflight-entertainment/wifi)
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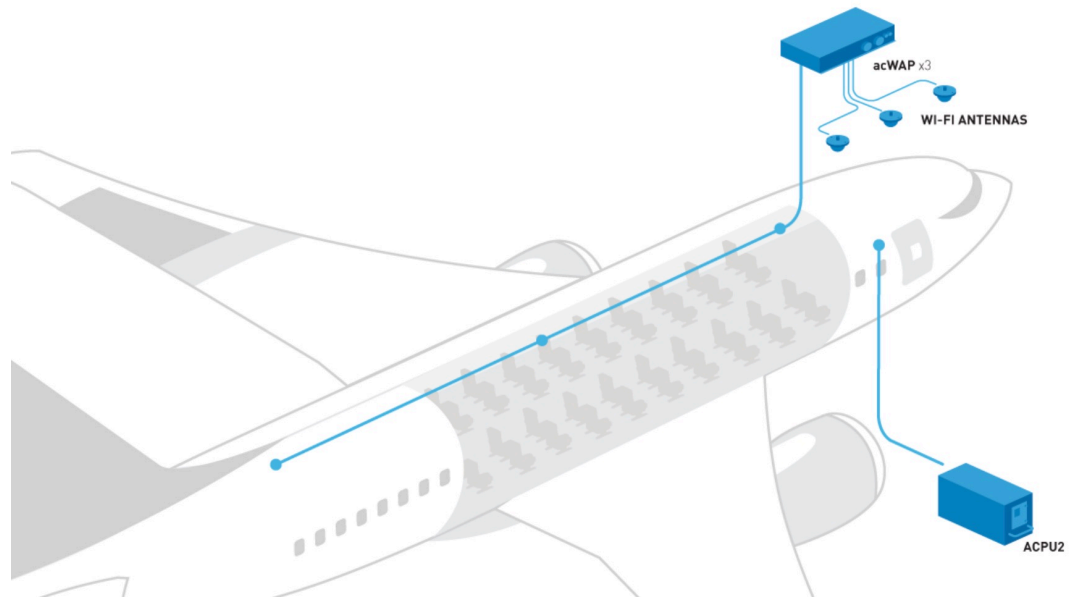
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Inflight Wi-Fi, provided by Gogo®

Keep up with e-mail, post on social media, or shop online with Gogo® Inflight Internet, available on our entire fleet of Boeing 737s and Embraer 175 jets. Internet is available on most of flights over North America, except flights to Mexico, Hawaii and Costa Rica. See our adjacent coverage map for a more detailed look at where service is available.

As an illustration of Alaska Air’s Accused System, 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->

- 1 services/. (“The Gogo Portal is the interface providing
2 passengers access to the Internet and other inflight entertainment
3 options on board.”).
- 4 b. *wherein the rule set contains at least one of a plurality of*
5 *functions used to control data passing between the user and a*
6 *public network.* The server that provides the passenger’s gateway
7 to the Internet from on board the aircraft is configured to be able
8 to redirect the passenger to the Gogo Portal regardless of which
9 Internet address the passenger requests.
- 10 c. *wherein the redirection server is configured to automatically*
11 *modify at least a portion of the rule set while the rule set is*
12 *correlated to the temporarily assigned network address.* For
13 example, upon a passenger’s payment or other login
14 authentication by the server on board the aircraft, the server
15 modifies its rule set to allow that passenger access to the Internet.
16 By way of another example, “Gogo’s digital ad server displays
17 advertisements within the portal, and ads can even be tailored to
18 certain routes, devices, and targeted audiences.” *See also* “Gogo
19 Portal Brochure” at 12, *available for download at*
20 [https://www.gogoair.com/learning-center/gogo-portal-](https://www.gogoair.com/learning-center/gogo-portal-brochure/?download=true)
21 [brochure/?download=true](https://www.gogoair.com/learning-center/gogo-portal-brochure/?download=true).
- 22 d. *wherein the redirection server is configured to modify at least a*
23 *portion of the rule set as a function of some combination of time,*
24 *data transmitted to or from the user, or location the user*
25 *accesses.* For example, upon payment or authentication of a
26 passenger’s credentials, i.e., use of a pre-determined pass or
27 login that provides access, a portion of the rule set is modified by
28 providing the user with Internet access for a limited amount of

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1 time (e.g., 30 minutes), while the rule set is correlated to the
2 temporarily assigned network address given to the user.
3 e. *wherein the redirection server is configured to modify at least a*
4 *portion of the rule set as a function of time while the rule set is*
5 *correlated to the temporarily assigned network address.* For
6 example, upon payment for a limited time of Internet use, a
7 portion of the rule set is modified by providing the user with
8 Internet access for a limited amount of time (e.g., 30 minutes),
9 while the rule set is correlated to the temporarily assigned
10 network address given to the user.

11 33. Alaska Air indirectly infringes the '459 patent, under 35 U.S.C.
12 § 271(b), by actively inducing direct infringement by others, for example, Alaska
13 Air passengers who use the Accused System provided by Alaska Air for Internet
14 Access following Alaska Air's instructions on how to access the Wi-Fi network. By
15 at least the filing date and/or service date of this Amended Complaint, and/or on
16 about April 20, 2018, Alaska Air had knowledge of the '459 patent and that its
17 actions resulted in direct infringement of the '459 patent. Alaska Air also knew or
18 was willfully blind that its actions would induce direct infringement by others and
19 intended that its actions would do so.

20 34. In accordance with 35 U.S.C. § 287, Alaska Air has had knowledge of
21 the Asserted Patent at least as of the filing date of this Amended Complaint and/or
22 the date this Amended Complaint was served, and/or on about April 20, 2018.

23 35. Despite Alaska Air's knowledge of the Asserted Patent and its
24 infringing activities, Alaska Air continues to make, use, market, offer for sale, and/or
25 sell in the United States systems that infringe the Asserted Patent. Alaska Air has
26 continued to infringe in wanton disregard of Linksmart's patent rights.

27 36. Alaska Air's continued infringement of the Asserted Patent has
28 damaged and will continue to damage Linksmart.

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Damages

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

38. As a result of Alaska Air’s acts of infringement, Linksmart has suffered actual and consequential damages; however, Linksmart does not yet know the full extent of the infringement. The extent of Alaska Air’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 Alaska Air 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 Alaska Air’s acts of infringement. Linksmart will continue to be irreparably harmed unless and until Alaska Air’s acts of infringement are enjoined by this Court. Linksmart has no adequate remedy at law to redress Alaska Air’s continuing acts of infringement. The hardships that would be imposed upon Alaska Air 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. Alaska Air’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:

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- a. A judgment that Alaska Air directly and/or indirectly infringes the '459 patent;
- b. An Order enjoining, permanently, Alaska Air 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 Alaska Air's infringement has been willful and that Alaska Air'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 Alaska Air to pay Linksmart damages in an amount adequate to compensate Linksmart for Alaska Air'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 Alaska Air 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 Alaska Air 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.

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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.

Respectfully submitted,

Dated: July 11, 2018

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By: /s/ Kent N. Shum

Larry C. Russ
Marc A. Fenster
Benjamin T. Wang
Kent N. Shum
Bahrad A. Sokhansanj

Attorneys for Plaintiff
LINKSMART WIRELESS
TECHNOLOGY, LLC

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