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15 *Attorneys for Plaintiff*
16 LAURI VALJAKKA

17
18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
20 **OAKLAND DIVISION**
21

22 LAURI VALJAKKA,

23 Plaintiff,

24 v.

25 NETFLIX, INC.,

26 Defendant.

27 Case No.: 4:22-cv-01490-JST

28 **PLAINTIFF’S THIRD AMENDED
COMPLAINT**

DEMAND FOR JURY TRIAL

29 Plaintiff Lauri Valjakka (“Lauri” or “Plaintiff”), files this Third Amended Complaint for
30 Patent Infringement against Netflix, Inc. (“Netflix” or “Defendant”), and would respectfully
31 show the Court as follows:
32

PARTIES

1
2 1. Plaintiff is a citizen of Finland having an address located at Valtakatu 51,
3 Vapaudenaukio Technopolis 2, 53100 Lappeenranta, Finland.

4 2. On information and belief, Defendant is a Delaware corporation with a principal
5 address of 100 Winchester Cir., Los Gatos, CA 95032.

6
7 3. On information and belief, Defendant directly and/or indirectly develops,
8 designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and
9 services in the United States, including in the Northern District of California, and otherwise
10 directs infringing activities to this District in connection with its products and services.

11
12 **JURISDICTION**

13 4. This civil action arises under the Patent Laws of the United States, 35 U.S.C. § 1
14 et seq., including without limitation 35 U.S.C. §§ 271, 281, 283, 284, and 285 based on
15 Defendant's unauthorized commercial manufacture, use, importation, offer for sale, and sale of
16 the Accused Products in the United States. This is a patent infringement lawsuit over which this
17 Court has subject matter jurisdiction under, *inter alia*, 28 U.S.C. §§ 1331, 1332, and 1338(a).

18
19 5. This United States District Court for the Northern District of California has
20 general and specific personal jurisdiction over Defendant because, directly or through
21 intermediaries, Defendant has committed acts within the District giving rise to this action and
22 are present in and transact and conduct business in and with residents of this District and the
23 State of California.

24
25 6. Plaintiff's causes of action arise, at least in part, from Defendant's contacts with
26 and activities in this District and the State of California.

1 7. Defendant has committed acts of infringing the patents-in-suit within this District
2 and the State of California by making, using, selling, offering for sale, and/or importing in or
3 into this District and elsewhere in the State of California, products claimed by the patents-in-
4 suit, including without limitation products made by practicing the claimed methods of the
5 patents-in-suit. Defendant, directly and through intermediaries, makes, uses, sells, offers for
6 sale, imports, ships, distributes, advertises, promotes, and/or otherwise commercializes such
7 infringing products into this District and the State of California. Defendant regularly conducts
8 and solicits business in, engages in other persistent courses of conduct in, and/or derives
9 substantial revenue from goods and services provided to residents of this District and the State
10 of California.
11

12
13 8. This Court has personal jurisdiction over Defendant. Personal jurisdiction exists
14 over Defendant because Defendant has minimum contacts with this forum as a result of
15 business regularly conducted within the State of California and within this district, and, on
16 information and belief, specifically as a result of, at least, committing the tort of patent
17 infringement within California and this District. This Court has personal jurisdiction over
18 Defendant, in part, because Defendant does continuous and systematic business in this District,
19 including by providing infringing products and services to the residents of the Northern District
20 of California that Defendant knew would be used within this District, and by soliciting business
21 from the residents of the Northern District of California. Also, Defendant has hired and is hiring
22 within this District for positions that, on information and belief, relate to infringement of the
23 patents-in-suit. Accordingly, this Court's jurisdiction over the Defendant comports with the
24 constitutional standards of fair play and substantial justice and arises directly from the
25 Defendant's purposeful minimum contacts with the State of California.
26
27
28

1 was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The
2 ‘102 Patent claims patent-eligible subject matter and is valid and enforceable. Lauri is the
3 exclusive owner by assignment of all rights, title, and interest in the ‘102 Patent, including the
4 right to bring this suit for damages, and including the right to sue and recover all past, present,
5 and future damages for infringement of the ‘102 Patent. Defendant is not licensed to the ‘102
6 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the
7 ‘102 patent whatsoever. A true and correct copy of the ‘102 patent is attached hereto as **Exhibit**

8
9 **B.**

10 14. The ‘167 Patent and the ‘102 Patent are referred to herein as the “patents-in-
11 suit.”

12
13 15. Plaintiff Lauri is the owner of the entire right, title, and interest in and to the
14 patents-in-suit. The patents-in-suit are presumed valid under 35 U.S.C. § 282.

15
16 **ACCUSED INSTRUMENTALITIES**

17 16. The term “Accused Instrumentalities” or “Accused Products” refers to, by way
18 of example and without limitation, Netflix’s Open Connect program and Netflix websites (e.g.
19 <https://www.netflix.com>).

20
21 **COUNT I**

22 **PATENT INFRINGEMENT OF THE ‘167 PATENT**

23 17. Plaintiff restates and realleges the preceding paragraphs of this Complaint as if
24 fully set forth herein.

25 18. Defendant has, under 35 U.S.C. §271(a), directly infringed, and continues to
26 directly infringe, literally and/or under the doctrine of equivalents, one or more claims,
27
28

1 including without limitation at least claim 1 of the '167 Patent, by making, using, testing,
2 selling, offering for sale and/or importing into the United States Defendant's Accused Products.

3 19. Defendant has knowledge that its activities concerning the Accused Products
4 infringe one or more claims of the '167 Patent. Further, Defendant provides information and
5 technical support to its customers, including product manuals, brochures, videos,
6 demonstrations, and website materials encouraging its customers to purchase and instructing
7 them to use Defendant's Accused Products (which are acts of direct infringement of the '167
8 Patent). Alternatively, Defendant knows and/or will know that there is a high probability that
9 the importation, sale, offer for sale, and use of the Accused Products constitutes direct
10 infringement of the '167 Patent but took deliberate actions to avoid learning of these facts.
11

12
13 20. As outlined below, Defendant knew of the '167 Patent since at least October
14 2014. After learning of the '167 Patent in October 2014, Defendant infringed the patent through
15 its use of and improvements made to products including, but not limited to, Netflix Open
16 Connect. The '167 patent provided a strategic advantage to Defendant's patent portfolio.
17

18 21. In or about October 2014 Lauri Valjakka as CEO of SC Intelligent Holding OY
19 sent a letter dated September 29, 2014 via United States Postal Service Certified Mail to
20 Gregory K. Peters, Chief Streaming and Partnerships Officer of Netflix, informing him of the
21 '167 Patent. A copy of the letter and receipt of delivery from October 2014 is attached herein as
22 **Exhibit D.**

23
24 22. Alternatively, if Defendant claims to not have knowledge of the '167 Patent by
25 receiving the letter dated September 29, 2014, delivered to Netflix's headquarters, Defendant
26 took action to avoid learning of the notice letter delivered to Defendant's headquarters and
27 addressed to one of Defendant's Chief Officers.
28

1 30. Defendant has knowledge that its activities concerning the Accused Products
2 infringe one or more claims of the ‘102 Patent. Further, Defendant provides information and
3 technical support to its customers, including product manuals, brochures, videos,
4 demonstrations, and website materials encouraging its customers to purchase and instructing
5 them to use Defendant’s Accused Products (which are acts of direct infringement of the ‘102
6 Patent). Alternatively, Defendant knows and/or will know that there is a high probability that
7 the importation, sale, offer for sale, and use of the Accused Products constitutes direct
8 infringement of the ‘102 Patent but took deliberate actions to avoid learning of these facts.
9

10 31. On information and belief, Defendant has made no attempt to design around the
11 claims of the ‘102 Patent.
12

13 32. On information and belief, Defendant did not have a reasonable basis for
14 believing that the claims of the ‘102 Patent were invalid.
15

16 33. On information and belief, Defendant’s Accused Products are available to
17 businesses and individuals throughout the United States and in the State of California, including
18 in this District.
19

20 34. Lauri has been damaged as the result of Defendant’s infringement.
21

22 35. The claim chart attached hereto as Exhibit C describes how the elements of an
23 exemplary claim 10 from the ‘102 Patent are infringed by the Accused Products. This provides
24 details regarding only one example of Defendant’s infringement, and only as to a single patent
25 claim. Plaintiff reserves its right to amend and fully provide its infringement arguments and
26 evidence thereof until its Preliminary and Final Infringement Contentions are later produced
27 according to the court’s scheduling order in this case.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Lauri respectfully requests the following relief:

A. A judgment that Defendant has directly infringed either literally and/or under the doctrine of equivalents and continue to directly infringe the patents-in-suit;

B. A judgment and order requiring Defendant to pay Plaintiff damages under 35 U.S.C. § 284 including past damages based on, *inter alia*, any necessary compliance with 35 U.S.C. §287, and supplemental damages for any continuing post-verdict infringement through entry of the final judgment with an accounting as needed;

C. A judgment that this is an exceptional case within the meaning of 35 U.S.C. § 285 and Plaintiff is therefore entitled to reasonable attorneys’ fees;

D. A judgment and order requiring Defendant to pay Plaintiff pre-judgment and postjudgment interest on the damages awarded;

E. A judgment and order awarding a compulsory ongoing royalty;

F. A judgment and order awarding Plaintiff costs associated with bringing this action; and

G. Such other and further relief as the Court deems just and equitable.

Dated: December 14, 2022

Respectfully submitted,

MAHAMEDI IP LAW LLP

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Attorneys for Plaintiff
LAURI VALJAKKA

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38, Plaintiff Lauri Valjakka hereby demands a trial by jury on all issues so triable.

Dated: December 14, 2022

Respectfully submitted,

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