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(Application *Pro Hac Vice* to be filed)

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12 **ATTORNEYS FOR**
13 **PLAINTIFF ON24, INC.**

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 ON24, INC.,) Case No.: 3:21-cv-07721-EMC
18)
) *Plaintiff,*) **SECOND AMENDED COMPLAINT**
) **FOR DAMAGES AND INJUNCTIVE**
19 v.) **RELIEF FOR PATENT INFRINGEMENT**
)
20)
)
21 webinar.net, Inc.,) **JURY TRIAL DEMANDED**
22)
) *Defendant.*)
23)
24)

25
26 Plaintiff ON24, Inc., a Delaware corporation (“ON24” or “plaintiff”), for its complaint
27 against defendant webinar.net, Inc., a Delaware corporation (“webinar.net” or “defendant”), alleges

1 as follows based on its personal knowledge, as for itself, and based on information and belief, as for
2 the acts of others:

3
4 **I. THE PARTIES**

5 1. ON24, Inc. is a Delaware corporation with its principal place of business at 50 Beale
6 Street, 8th Floor, San Francisco, CA 94105.

7 2. webinar.net, Inc. is a Delaware corporation with its principal place of business at
8 6701 Koll Center Parkway, Pleasanton, CA 94566.

9 **II. JURISDICTION AND VENUE**

10 3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question)
11 and 28 U.S.C. § 1338(a) (any Act of Congress relating to patents or trademarks).

12 4. This Court has personal jurisdiction over webinar.net because it has committed and
13 continues to commit acts of infringement in violation of 35 U.S.C. § 271 and places infringing
14 products/services into the stream of commerce, with the knowledge or understanding that such
15 products/services are sold in the State of California, including in this district. webinar.net's acts
16 cause injury to ON24 within this district. webinar.net derives substantial revenue from the sale of
17 infringing products/services within this district, expects its actions to have consequences within this
18 district, and derives substantial revenue from interstate and international commerce. webinar.net is
19 doing business in and/or has directed its activities at California and specifically this district. By way
20 of example only, webinar.net has offices in this district (Pleasanton, CA), and it advertises,
21 promotes, sells, services, and supports customers in California and in this district. webinar.net
22 negotiates, enters into, and supports agreements in this district.

23 5. Venue is proper within this district under 28 U.S.C. §§ 1391 and 1400 because
24 webinar.net resides in this district (Pleasanton, CA), transacts business within this district, offers for
25 sale in this district products that infringe the ON24 patent, and because a substantial part of the
26 events giving rise to the dispute occurred in this district or a substantial part of the property that is
27 the subject of the action is situated in this district.

1 6. Assignment in this division is proper under Civil L.R. 3-2 because ON24 is
2 headquartered in San Francisco County, where a substantial part of the events or omissions which
3 give rise to the claim occurred or where a substantial part of the property that is the subject of the
4 action is situated, and because intellectual property matters are afforded district-wide assignment.

5
6 **III. CAUSE OF ACTION**

7 **A. COUNT I: INFRINGEMENT OF U.S. PATENT 9,148,480 B2**

8 7. ON24 incorporates and realleges paragraphs 1 to 6 of the Complaint.

9 8. ON24 owns all right, title, and interest in U.S. Patent 9,148,480 B2 (“the ‘480
10 Patent”).

11 9. webinar.net has infringed and continues to infringe, directly and indirectly through
12 contributory and/or induced infringement, one or more claims of the ‘480 Patent by using, selling
13 and/or offering to sell in the United States and/or importing into the United States, one or more of
14 webinar.net’s cloud-based platform, the software framework therein, and/or the services provided
15 using the platform, as identified in this Complaint. These infringing activities violate 35 U.S.C.
16 § 271. ON24 further alleges that these activities have been intentional, willful, deliberate and with
17 knowledge of the ‘480 patent through its founders’ prior history with ON24 and through their
18 participation in the marketing technology industry, specifically the webinar and virtual event market
19 segments.

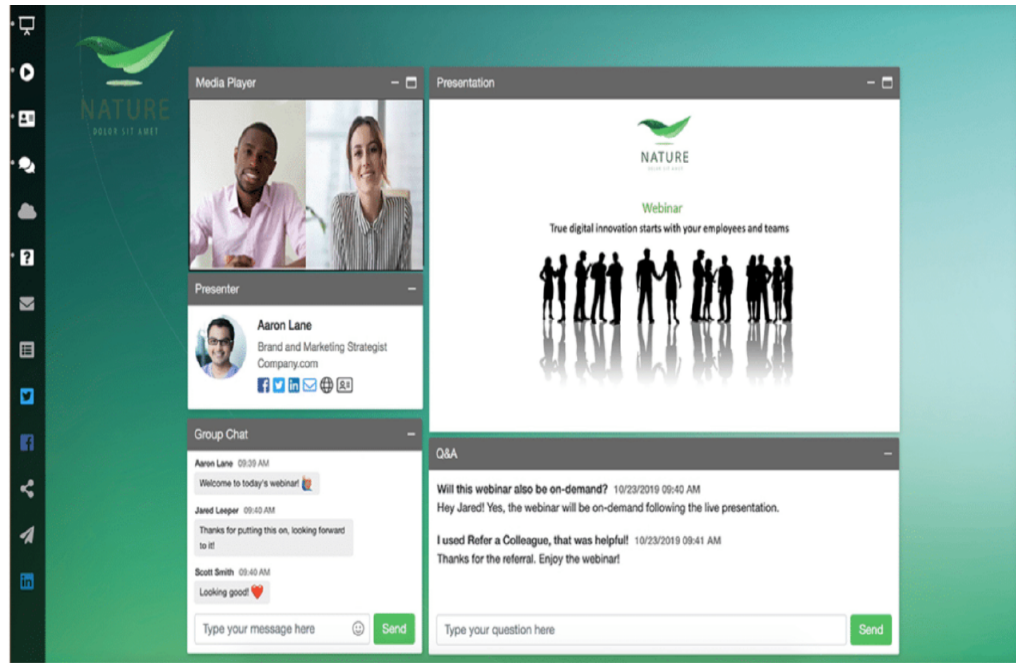
20 10. webinar.net publicly states that its offering, whether considered a product or service,
21 is a cloud-based webinar platform and software framework for customers to offer webinars with
22 certain characteristics that it claims are unique to its offering, and which satisfy each element of at
23 least claim 1 of the ‘480 patent:

- 24 a. “Webinar.net is the first online presentation platform fully hosted in the cloud. This
25 architecture allows our customers to reach to very large audiences without capacity
26 concerns, and enjoy clear, cost-effective pricing.”

- b. Its offering allows a user to use a software console to present and watch webinars that employ slide presentations, such as PowerPoint presentations, media presentations, such as presenter video streaming, Twitter feeds or links, or other social or other media, and an array of customizable streaming and other feeds, all coordinated through provided browser-based consoles (“Synchronized PowerPoint with triggered animations and attendee-controlled slide option.”; “Webinar automatically selects appropriate streaming media choice based on the audience member's system for both live and on demand webcasts.”).
- c. Its offering is browser-based and supports all leading browsers (“HTML5 streaming to all modern browsers.”).
- d. Its offering works with mobile devices operating on iOS and Android operating systems (“HTML5 iOS/HLS streaming (iPhone, iPad, Android).”).
- e. Its offering does not require that users download any software to implement the offering (“100% Web-based, no downloads for attendees.”; presenters may need to add a Google or other plug-in to the browser-based console one time for certain functionality).
- f. A presenter can use the offering to coordinate the display of all of the above slide and media presentations through the offering (“Broadcast to a live audience in under 60 seconds using a 5-step wizard.”).

11. One demonstration of the functionalities webinar.net offers is this screenshot from its website, which shows a browser-based presentation that does not require downloading any software, running on a computer, intended for an audience, using software that an audience member receives from webinar.net, that software coordinating at least the communications, media, and slide

1 presentation components, manageable using a ribbon menu, and presenting the webinar in a
 2 standardized HTML format (additional aspects shown in the screenshot may be relevant for
 3 infringement purposes and notice):



16 12. ON24 asked webinar.net to allow an independent expert to inspect source code for
 17 the webinar.net offering to evaluate the genesis, structure, functions, and attributes of the code,
 18 including for purposes of determining whether any code can be traced back to 2013 or otherwise be
 19 connected to code and intellectual property the SnapSession founders assigned to ON24 or to other
 20 ON24 intellectual property. webinar.net declined to provide such access.

21 13. Pursuant to this Court's Patent Local Rules, webinar.net ultimately produced source
 22 code for its commercial platform, which ON24's expert has reviewed and confirmed is infringing.

23 14. ON24 believes and alleges that webinar.net has profited from its infringing activities.
 24 ON24 has sustained damages as a proximate result of such infringing activities.

25 15. ON24 will suffer and is suffering irreparable harm as a result of this continuing
 26 infringement, for which there is no adequate remedy at law, and is entitled to an injunction against
 27 webinar.net for its continuing infringement of the '480 Patent.

1 **IV. PRAYER FOR RELIEF**

2 16. Wherefore, ON24 prays for the following relief, including a declaration and
3 judgment:

- 4 a. That webinar.net has infringed and, unless enjoined, will continue to infringe,
5 the '480 Patent;
- 6 b. That webinar.net has willfully infringed the '480 Patent;
- 7 c. That webinar.net pay ON24 damages adequate to compensate ON24 for
8 webinar.net's infringement of the '480 Patent, no less than a reasonable
9 royalty, together with interest and costs under 35 U.S.C. § 284;
- 10 d. That webinar.net be ordered to pay prejudgment and post-judgment interest
11 on damages assessed;
- 12 e. That webinar.net pay ON24 enhanced damages pursuant to 35 U.S.C. § 284;
- 13 f. That webinar.net be ordered to pay supplemental damages to ON24,
14 including interest, with an accounting, as appropriate;
- 15 g. That webinar.net be enjoined from infringing the '480 Patent or, if its
16 infringement is not enjoined, that webinar.net be ordered to pay ongoing
17 royalties to ON24 for any post-judgment infringement of the '480 Patent;
- 18 h. That this is an exceptional case under 34 U.S.C. § 285 and that webinar.net
19 pay ON24's attorney's fees and costs in this action; and
- 20 i. That ON24 be awarded such other and further relief as this Court deems just
21 and proper.
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1 **V. JURY DEMAND**

2 17. Pursuant to Federal Rule of Civil Procedure 38(b), ON24 hereby demands trial by
3 jury on all issues raised by the Complaint.

4 DATED: June 20, 2024

5 */s Nagendra Setty*

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