1 Mark W. Good (State Bar No. 218809) Benedict O'Mahoney (State Bar No. 152447) 2 TERRA LAW LLP 177 Park Avenue, Third Floor 3 San Jose, California 95113 Telephone: (408) 299-1200 4 Facsimile: (408) 998-4895 Email: mgood@terra-law.com 5 Email: bomahoney@terra-law.com Edward W. Goldstein (TX Bar No. 08099500) 1177 West Loop South, Suite 400 7 Houston, Texas 77027 Telephone: (713) 877-1515 Facsimile: (713)877-1737 8 Email: egoldstein@gviplaw.com 9 Attorneys for Plaintiff EIT Holdings LLC 10 11 12 UNITED STATES DISTRICT COURT 13 NORTHERN DISTRICT OF CALIFORNIA 14 15 caCNV 11-02465 EIT HOLDINGS LLC, a Delaware company, 16 Plaintiffs, ORIGINAL COMPLAINT 17 FOR: PATENT INFRINGEMENT 18 LINKEDIN CORPORATION, a Delaware 19 Corporation, DEMAND FOR JURY TRIAL 20 Defendants. 21 22 **ORIGINAL COMPLAINT** 23 Plaintiff EIT Holdings LLC ("Plaintiff" or "EIT"), files this Original Complaint against 24 LinkedIn Corporation ("LinkedIn") alleging as follows: 25 THE PARTIES 26 1. Plaintiff, EIT Holdings LLC is a limited liability company organized under the 27 laws of the state of Delaware, having its principal place of business at 2711 Centerville Road, 28 Suite 400, Wilmington, DE, 19808. 1167040

COMPLAINT

2. Defendant LinkedIn, on information and belief, is a corporation organized under the laws of the state of Delaware, and has a principal place of business at 2029 Stierlin Ctr., Mountain View, CA, 94043. LinkedIn may be served through its Counsel, Ryan M. Kent, Durie Tangri, 217 Leidesdorff Street, San Francisco, CA 94111.

JURISDICTION & VENUE

- 3. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et seq., and jurisdiction is properly based on 35 U.S.C. § 271 and 28 U.S.C. § 1338(a).
- 4. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, the Defendant transacts or has transacted business in this judicial district, or committed and/or induced acts of patent infringement in this district.

PATENT INFRINGEMENT COUNT

- 5. On December 10, 2010, EIT filed a patent infringement action against multiple Defendants, including LinkedIn, in the Northern District of California (C-10-05623-WHA) before the Honorable William H. Alsup. On May 11, 2011, Judge Alsup held that the Defendants, including LinkedIn, were improperly joined. He dismissed all except the first-named Defendant and invited counsel to re-file against each Defendant in a separation action.
- 6. On October 27, 1998, United States Patent No. 5,828,837 ("the '837 patent") entitled "Computer Network System and Method for Efficient Information Transfer" was duly and legally issued. EIT holds the title by mesne assignments from the inventor, including the right to sue for past, present and future damages. A copy of the '837 patent is attached as Exhibit A. The '837 patent is directed to a method and system that maintains a profile for registered users and then transmits references to target information to the users based on their profile.
 - 7. Pursuant to 35 U.S.C. § 282, the '837 patent is presumed valid.
- 8. To the extent necessary, Plaintiff has complied with the notice and marking requirements of 35 U.S.C. § 287.
- 9. LinkedIn utilizes a website that provides commercial and non-commercial information or allow users to buy products or services. Its website allows users to register and

create a user account, which includes a unique id such as a unique email address or a user defined unique username for ordering or accessing information. LinkedIn receives and stores information about the users in a database through the use of a web connected server. When a registered user accesses LinkedIn's website, references to commercial and non-commercial target information, such as advertisements, additional content on areas of interest or information about additional products, are transmitted to the user and displayed on his or her web accessible device including but not limited to a desktop computer, a laptop computer, a mobile phone or a game console. LinkedIn determines appropriate target information for each user based on the user profile information including but not limited to demographics, personal preferences, interests, past content viewing history and past purchase history.

- 10. LinkedIn, on information and belief, utilizes a computer network system and method for transferring information that infringes at least claims 40 and 41 of the '837 patent, by utilizing the features described in Paragraph 9 on at least its website www.linkedin.com and/or other websites utilizing similar features. By making, operating, using and/or selling such websites, LinkedIn has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 40 and 41 of the '837 patent, either literally or under the doctrine of equivalents.
- 11. Accordingly, LinkedIn's acts of infringement of the '837 patent, as alleged above, have injured Plaintiff and thus, Plaintiff is entitled to recover damages adequate to compensate it for LinkedIn's acts of infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for entry of judgment:

- 1. that Defendant LinkedIn Corp. has infringed one or more claims, specifically claims 40 and 41, of the '837 patent;
- 2. that Defendant LinkedIn Corp. accounts for and pays to Plaintiff all damages caused by the infringement of the '837 patent, which by statute can be no less than a reasonable

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1	royalty;			
2	3.	that Plaintiff be gran	nted pre-judgment and post-judgment interest on the	damages
3	caused to them by reason of Defendant LinkedIn Corp.'s infringement of the '837 patent;			
4	4.	that costs be awarded	d to Plaintiff; and	
5	5.	that Plaintiff be gran	nted such other and further relief as the Court may de	em just
6	and proper ur	nder the current circum	nstances.	
7	Dated: May 2	20. 2011	Respectfully submitted,	
8	Dateu. May 2	20, 2011	Respectivity submitted,	
9			By: MDalleb ADULY	
10			Benedict O'Mahoney (SBN 152447) Mark W. Good (SBN 218809)	
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15			ATTORNEYS FOR PLAINTIFF	
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