

ORIGINAL

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16 Attorneys for Plaintiff  
17 EIT Holdings LLC

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA

20 EIT HOLDINGS LLC, a Delaware company,  
21 Plaintiffs,  
22 vs.  
23 NETFLIX, INC., a Delaware Corporation,  
24 Defendants.

Case No.

**CV 11-02466**

**ORIGINAL COMPLAINT  
FOR: PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

**ORIGINAL COMPLAINT**

25 Plaintiff EIT Holdings LLC ("Plaintiff" or "EIT"), files this Original Complaint against  
26 Netflix, Inc. ("Netflix") alleging as follows:

**THE PARTIES**

27 1. Plaintiff, EIT Holdings LLC is a limited liability company organized under the  
28 laws of the state of Delaware, having its principal place of business at 2711 Centerville Road,  
Suite 400, Wilmington, DE, 19808.

E-FILING

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MAY 20 2011

RICHARD W. WIENING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

11 10. Netflix, on information and belief, utilizes a computer network system and method  
12 for transferring information that infringes at least claims 40 and 41 of the '837 patent, by utilizing  
13 the features described in Paragraph 9 on at least its website www.netflix.com and/or other  
14 websites utilizing similar features. By making, operating, using and/or selling such websites,  
15 Netflix has infringed and continues to infringe, contribute to the infringement of, or induce the  
16 infringement of at least claims 40 and 41 of the '837 patent, either literally or under the doctrine  
17 of equivalents.

18 11. Accordingly, Netflix's acts of infringement of the '837 patent, as alleged above,  
19 have injured Plaintiff and thus, Plaintiff is entitled to recover damages adequate to compensate it  
20 for Netflix's acts of infringement, which in no event can be less than a reasonable royalty.

21 **DEMAND FOR JURY TRIAL**

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

23 **PRAYER FOR RELIEF**

24 Wherefore, Plaintiff prays for entry of judgment:

- 25 1. that Defendant Netflix, Inc. has infringed one or more claims, specifically claims  
26 40 and 41, of the '837 patent;
- 27 2. that Defendant Netflix, Inc. accounts for and pays to Plaintiff all damages caused  
28 by the infringement of the '837 patent, which by statute can be no less than a reasonable royalty;

- 1           3.       that Plaintiff be granted pre-judgment and post-judgment interest on the damages
- 2 caused to them by reason of Defendant Netflix Inc.'s infringement of the '837 patent;
- 3           4.       that costs be awarded to Plaintiff; and
- 4           5.       that Plaintiff be granted such other and further relief as the Court may deem just
- 5 and proper under the current circumstances.

6 Dated: May 20, 2011

Respectfully submitted,

7  
8 By: 

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**ATTORNEYS FOR PLAINTIFF**