



enforce and/or litigate the Patents-in-Suit in fields other than the Level 3 Exclusive Field (the “PersonalWeb Patent Field”).

3. All infringement allegations, statements describing PersonalWeb, statements describing any Defendant (or any Defendant’s products) and any statements made regarding jurisdiction and venue are made by PersonalWeb alone, and not by Level 3. PersonalWeb alleges that the infringements at issue in this case all occur within, and are limited to, the PersonalWeb Patent Field. Accordingly, PersonalWeb has not provided notice to Level 3—under Section 6.4.1 of the Agreement or otherwise—that PersonalWeb desires to bring suit in the Level 3 Exclusive Field in its own name on its own behalf or that PersonalWeb knows or suspects that Defendant is infringing or has infringed any of Level 3’s rights in the patents.

#### **THE PARTIES**

4. Plaintiff PersonalWeb Technologies, LLC is a limited liability company duly organized and existing under the laws of Texas with its principal place of business in Tyler, Texas.

5. Plaintiff Level 3 Communications, LLC is a limited liability company organized under the laws of Delaware with its principal place of business at 1025 Eldorado Boulevard, Broomfield, CO 80021.

6. PersonalWeb’s infringement claims asserted in this case are asserted by PersonalWeb and all fall outside the Level 3 Exclusive Field. Level 3 is currently not asserting patent infringement in this case in the Level 3 Exclusive Field against any Defendant.

7. Defendant Yahoo! Inc. is, upon information and belief, a Delaware corporation with its principal place of business at 701 First Avenue, Sunnyvale, California 94089.

**JURISDICTION AND VENUE**

8. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

9. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because plaintiff PersonalWeb is a limited liability company incorporated in Smith County, Texas with its principal place of business in Tyler, Texas.

10. Defendant has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling PersonalWeb to relief.

**PERSONALWEB BACKGROUND**

11. PersonalWeb draws on its proprietary technology to innovate and develop software products, including a social learning platform and digital content management system.

12. PersonalWeb's software technology enhances the delivery of relevant content by using natural language and semantic analysis. Utilizing this technology, PersonalWeb has developed a product called StudyPods, which enables students to connect and collaborate online.

13. PersonalWeb also develops the Global File Registry digital content management system, an online database containing unique identifiers of millions of files collected on behalf of content owners and others. The registry is capable of identifying files that infringe copyrights and replacing them with other content.

**INFRINGEMENT OF U.S. PATENT NO. 5,978,791**

14. On November 2, 1999, United States Patent No. 5,978,791 (the "'791 patent") was duly and legally issued for an invention entitled "Data Processing System Using Substantially Unique Identifiers to Identify Data Items, Whereby Identical Data Items Have the Same Identifiers." PersonalWeb has an ownership interest in the '791 patent by assignment, including the exclusive right to enforce the '791 patent within the PersonalWeb Patent Field, and

continues to hold that ownership interest in the '791 patent. A true and correct copy of the '791 patent is attached hereto as Exhibit A.

15. Defendant has infringed and continues to infringe the '791 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Yahoo's search engine system, including but not limited to Defendant's search engine as powered by Bing, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Defendant is liable for its infringement of the '791 patent pursuant to 35 U.S.C. § 271.

16. Defendant's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendant the damages sustained by PersonalWeb as a result of Defendant's wrongful acts in an amount subject to proof at trial. Defendant's infringement of PersonalWeb's rights under the '791 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

**INFRINGEMENT OF U.S. PATENT NO. 6,415,280**

17. On July 2, 2002, United States Patent No. 6,415,280 (the "'280 patent") was duly and legally issued for an invention entitled "Identifying and Requesting Data in Network Using Identifiers Which Are Based On Contents of Data." PersonalWeb has an ownership interest in the '280 patent by assignment, including the exclusive right to enforce the '280 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '280 patent. A true and correct copy of the '280 patent is attached hereto as Exhibit B.

18. Defendant has infringed and continues to infringe the '280 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Yahoo's search engine system, including but not limited to Defendant's search engine as powered by Bing, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Defendant is liable for its infringement of the '280 patent pursuant to 35 U.S.C. § 271.

19. Defendant's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendant the damages sustained by PersonalWeb as a result of Defendant's wrongful acts in an amount subject to proof at trial. Defendant's infringement of PersonalWeb's rights under the '280 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

**INFRINGEMENT OF U.S. PATENT NO. 7,802,310**

20. On September 21, 2010, United States Patent No. 7,802,310 (the "'310 patent") was duly and legally issued for an invention entitled "Controlling Access to Data in a Data Processing System." PersonalWeb has an ownership interest in the '310 patent by assignment, including the exclusive right to enforce the '310 patent within the PersonalWeb Patent Field, and continues to hold that ownership interest in the '310 patent. A true and correct copy of the '310 patent is attached hereto as Exhibit C.

21. Defendant has infringed and continues to infringe the '310 patent by its manufacture, use, sale, importation, and/or offer for sale of its products and services within the PersonalWeb Patent Field utilizing Yahoo's search engine system, including but not limited to Defendant's search engine as powered by Bing, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing products. Defendant is liable for its infringement of the '310 patent pursuant to 35 U.S.C. § 271.

22. Defendant's acts of infringement have caused damage to PersonalWeb, and PersonalWeb is entitled to recover from Defendant the damages sustained by PersonalWeb as a result of Defendant's wrongful acts in an amount subject to proof at trial. Defendant's infringement of PersonalWeb's rights under the '310 patent will continue to damage PersonalWeb, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

**JURY DEMAND**

23. PersonalWeb demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff PersonalWeb requests entry of judgment in its favor and against Defendant as follows:

- a) Declaration that Defendant has infringed directly, and/or indirectly, U.S. Patent Nos. 5,978,791, 6,415,280 and 7,802,310 as described in this action;
- b) Permanently enjoining Defendant and its respective officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent Nos. 5,978,791, 6,415,280 and 7,802,310;
- c) Awarding the damages arising out of Defendant's infringement of U.S. Patent Nos. 5,978,791, 6,415,280, and 7,802,310, including any enhanced damages pursuant to 35 U.S.C. § 284 together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) For such other costs and further relief as the Court may deem just and proper.

DATED: September 17, 2012

Respectfully submitted,

By: /s/ Max L. Tribble, Jr.  
Max L. Tribble, Jr.  
State Bar No. 20213950  
[mtribble@susmangodfrey.com](mailto:mtribble@susmangodfrey.com)  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666  
  
Lead Attorney for Plaintiff  
PersonalWeb Technologies, LLC

Joseph Grinstein  
State Bar No. 24002188  
[jgrinstein@susmangodfrey.com](mailto:jgrinstein@susmangodfrey.com)  
Ashley L. McMillian  
State Bar No. 24070252  
[amcmillian@susmangodfrey.com](mailto:amcmillian@susmangodfrey.com)  
Sandeep Seth  
State Bar No. 18043000  
[sseth@susmangodfrey.com](mailto:sseth@susmangodfrey.com)  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

Marc M. Seltzer  
CA State Bar No. 54534  
[mseltzer@susmangodfrey.com](mailto:mseltzer@susmangodfrey.com)  
Kalpana Srinivasan  
CA State Bar No. 237460  
[ksrinivasan@susmangodfrey.com](mailto:ksrinivasan@susmangodfrey.com)  
SUSMAN GODFREY L.L.P.  
1901 Ave of the Stars, Suite 950  
Los Angeles, CA 90067

Justin A. Nelson  
State Bar No. 24034766  
[jnelson@susmangodfrey.com](mailto:jnelson@susmangodfrey.com)  
SUSMAN GODFREY L.L.P.  
1201 Third Ave, Suite 3800  
Seattle, WA 98101  
Telephone: (206) 516-3880  
Facsimile: (206) 516-3883

Attorneys for Plaintiff  
PersonalWeb Technologies, LLC

/s/ David D. Wier  
David D. Wier, Esq.  
[David.Wier@Level3.com](mailto:David.Wier@Level3.com)  
Vice President, Patent Counsel  
LEVEL 3 COMMUNICATIONS, INC.  
1025 Eldorado Boulevard  
Broomfield, Colorado 80021

Attorney for Plaintiff  
Level 3 Communications, LLC