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    SOFTWARE RIGHTS ARCHIVE, LLC

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12   **UNITED STATES DISTRICT COURT**

13   **NORTHERN DISTRICT OF CALIFORNIA**

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15 SOFTWARE RIGHTS ARCHIVE, LLC,   CASE NO. CV 12 3971

16   Plaintiff,   **COMPLAINT**

17   vs.   **DEMAND FOR JURY TRIAL** WHA

18 LINKEDIN CORPORATION,

19   Defendant.

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                                    COMPLAINT

For its Complaint, Software Rights Archive, LLC ("SRA") alleges as follows:

I. THE PARTIES

1.   Plaintiff Software Rights Archive, LLC is a limited liability company organized and existing under the laws of Delaware.

2.   Upon information and belief, Defendant LinkedIn Corporation ("LinkedIn" or "Defendant") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 2029 Stierlin Court, Mountain View, CA 94043. LinkedIn can be served with process by serving its registered agent for service of process in the State of California by serving Corporation Service Company D/B/A CSC - Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150n, Sacramento, California 95833.

II. JURISDICTION

3.   This action arises under the United States Patent Act, codified at 35 U.S.C. § 1 *et seq*. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4.   This Court has personal jurisdiction over LinkedIn because, upon information and belief, LinkedIn resides in this District, has transacted business in this District, has committed acts of infringement in this District and continues to commit acts of infringement in this District.

III. VENUE

5.   Venue is proper in the Northern District of California pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b), because Defendant resides in this District, has committed acts of direct and indirect infringement in this District, has transacted business in this District, and has established minimum contacts with this District.

IV. INTRADISTRICT ASSIGNMENT

6.   This is an intellectual property action and, therefore, under Civil Local Rules 3-5(b) and 3-2(c), may be assigned to any division in this District.

V. DEFENDANT'S INFRINGING ACTS

7.   LinkedIn is a social networking service and website located on the World Wide Web at the URL www.linkedin.com (and other related URLs). In addition, LinkedIn also provides applications and other software for mobile and other electronic devices. Users must

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1 register before using the site, after which they may create a personal profile, add other users as

2 connections, and exchange messages, including automatic notifications when they update their

3 profile. Additionally, users may join common-interest user groups, organized by workplace,

4 school or college. LinkedIn provides many features for searching, serving, locating,

5 recommending, analyzing, and displaying content and other information (including but not limited

6 to profiles, advertisements, software, products, media, apps, status updates, etc.) that analyze or

7 use indirect relationships.

8   8.   In addition to the above features, LinkedIn's systems and functionality include the

9 following:

10   (a)   Processes for search on or by LinkedIn, including but not limited to:

11   searching for People, Updates, Jobs, and Companies, each of which

12   LinkedIn may be designated previously using different feature names (*see*

13   http://blog.linkedin.com/2008/11/24/announcing-linkedins-new-search-

14   platform/) and other objects. LinkedIn publicly refers to these processes as

15   "Leverage the power of your LinkedIn network!" (*see, e.g.,* http://learn.

16   linkedin.com/new-users/). Such functionality is available on the World

17   Wide Web at the URL http://www.linkedin.com/, and possibly other

18   facilities;

19   (b)   Processes for searching for, recommending and otherwise locating and

20   displaying content and other information within the LinkedIn community,

21   including but not limited to: "People You May Know" (*see*

22   http://blog.linkedin.com/2008/04/11/learn-more-abou-2/); "Groups You

23   May Like" (*see* http://blog.linkedin.com/2011/08/23/linkedin-gyml/); "Jobs

24   You May Be Interested In" (*see* http://blog.linkedin.com/2011/

25   03/02/linkedin-products-you-may-like/); and "LinkedIn Today Stories" (*see*

26   http://blog.linkedin.com/2011/03/10/linkedin-today/).

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143979

COMPLAINT

1   (c)   Link analysis used and developed by LinkedIn to prioritize the display of

2   content in response to a search, including but not limited to, analyses related

3   to the "Number of Shared Connections" and "Degree of Connection"

4   (d)   Supporting infrastructure may include, but is not necessarily limited to,

5   Hadoop, Giraph, Pig, and Hive.

6 (collectively, Section V is hereinafter "Infringing Methods and Systems").

7 ## VI.   THE PATENTS

8   9.   On August 6, 1996, United States Patent No. 5,544,352 (the '352 Patent), entitled

9 "Method and Apparatus for Indexing, Searching and Displaying Data" was duly and lawfully

10 issued by the United States Patent and Trademark Office, naming Daniel Egger as sole inventor

11 and Libertech, Inc. as assignee. A true and correct copy of the '352 Patent is attached as **Exhibit

12 A**. The '352 Patent was subject to *ex parte* reexamination by the United States Patent Office, and

13 an *Ex Parte* Reexamination Certificate was issued for the '352 Patent on September 20, 2011, a

14 true and correct copy of which is attached as **Exhibit B**. SRA is the assignee of all right, title and

15 interest in and to the '352 Patent, and holds the right to sue and recover for past, present, and

16 future infringement thereof.

17   10.   On November 3, 1998, United States Patent No. 5,832,494 (the "'494 Patent"),

18 entitled "Method and Apparatus for Indexing, Searching and Displaying Data" was duly and

19 lawfully issued by the United States Patent and Trademark Office naming Daniel Egger, Shawn

20 Cannon, and Ronald D. Sauers as inventors, and Libertech, Inc. as assignee. A true and correct

21 copy of the '494 Patent is attached as **Exhibit C**. The '494 Patent was subject to *ex parte*

22 reexamination by the United States Patent Office, and an *Ex Parte* Reexamination Certificate was

23 issued for the '494 Patent on September 27, 2011, a true and correct copy of which is attached as

24 **Exhibit D**. SRA is the assignee of the '494 Patent and holds the right to sue and recover for past,

25 present, and future infringement thereof.

26   11.   On May 15, 2001, United States Patent No. 6,233,571 (the "'571 Patent"), entitled

27 "Method and Apparatus for Indexing, Searching and Displaying Data" was duly and lawfully

28 issued by the United States Patent and Trademark Office to Daniel Egger. A true and correct copy

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1   of the '571 Patent is attached hereto as **Exhibit E**. The '571 Patent was subject to *ex parte*

2   reexamination by the United States Patent Office, and an *Ex Parte* Reexamination Certificate was

3   issued for the '571 Patent on October 4, 2011, a true and correct copy of which is attached as

4   **Exhibit F**. SRA is the assignee of the '571 Patent and holds the right to sue and recover for past,

5   present, and future infringement thereof.

6   <div align="center">**VII.   PATENT INFRINGEMENT**</div>

7   **A.   COUNT I – INFRINGEMENT OF THE '352 PATENT**

8   12.   Defendant has infringed and continues to infringe, without the permission of SRA,

9   the '352 Patent because it makes uses, offers for sale, and sells Infringing Methods and Systems

10   and related services covered by the claims of the '352 Patent.

11   13.   Moreover, at least since the filing of this Complaint, Defendant, without the

12   permission of SRA, has been and is presently indirectly infringing the '352 Patent through the

13   provision of the Infringing Methods and Systems, including actively inducing infringement of the

14   '352 Patent under 35 U.S.C. § 271(b) and contributing to infringement of the '352 Patent under 35

15   U.S.C. § 271(c). To the extent it does not immediately cease its infringing activities, its

16   infringement is and continues to be deliberate. Such indirect infringements include, without

17   limitation, with specific intent to encourage the infringement, knowingly inducing customers—

18   including but not limited to users of www.linkedin.com—to use, or knowingly contributing to

19   customers' infringing uses of, without any substantial noninfringing use, Infringing Methods and

20   Systems that Defendant knew infringed or demonstrated willful blindness with respect to

21   infringement of one or more claims of the '352 Patent.

22   14.   Acts of infringement by Defendant has caused damage to SRA. SRA is entitled to

23   recover from Defendant the damages sustained by SRA as a result of Defendant's wrongful acts in

24   an amount subject to proof at trial, but not less than a reasonable royalty. Defendant's

25   infringement of SRA's rights under the '352 Patent will continue to damage SRA, causing

26   irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

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B.   COUNT II – INFRINGEMENT OF THE '494 PATENT

15.   Defendant has infringed and continues to infringe, without the permission of SRA, the '494 Patent because it makes uses, offers for sale, and sells Infringing Methods and Systems and related services covered by the claims of the '494 Patent.

16.   Moreover, at least since the filing of this Complaint, Defendant, without the permission of SRA, has been and is presently indirectly infringing the '494 Patent through the provision of the Infringing Methods and Systems, including actively inducing infringement of the '494 Patent under 35 U.S.C. § 271(b) and contributing to infringement of the '352 Patent under 35 U.S.C. § 271(c). To the extent it does not immediately cease its infringing activities, its infringement is and continues to be deliberate. Such indirect infringements include, without limitation, with specific intent to encourage the infringement, knowingly inducing customers— including but not limited to users of www.linkedin.com—to use, or knowingly contributing to customers' infringing uses of, without any substantial noninfringing use, Infringing Methods and Systems that Defendant knew infringed or demonstrated willful blindness with respect to infringement of one or more claims of the '494 Patent.

17.   Acts of infringement by Defendant has caused damage to SRA. SRA is entitled to recover from Defendant the damages sustained by SRA as a result of Defendant's wrongful acts in an amount subject to proof at trial, but not less than a reasonable royalty. Defendant's infringement of SRA's rights under the '494 Patent will continue to damage SRA, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

C.   COUNT III – INFRINGEMENT OF THE '571 PATENT

18.   Defendant has infringed and continues to infringe, without the permission of SRA, the '571 Patent because it makes uses, offers for sale, and sells Infringing Methods and Systems and related services covered by the claims of the '571 Patent.

19.   Moreover, at least since the filing of this Complaint, Defendant, without the permission of SRA, has been and is presently indirectly infringing the '571 Patent through the provision of the Infringing Methods and Systems, including actively inducing infringement of the '571 Patent under 35 U.S.C. § 271(b) and contributing to infringement of the '571 Patent under 35

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1 U.S.C. § 271(c). To the extent it does not immediately cease its infringing activities, its

2 infringement is and continues to be deliberate. Such indirect infringements include, without

3 limitation, with specific intent to encourage the infringement, knowingly inducing customers—

4 including but not limited to users of www.linkedin.com—to use, or knowingly contributing to

5 customers' infringing uses of, without any substantial noninfringing use, Infringing Methods and

6 Systems that Defendant knew infringed or demonstrated willful blindness with respect to

7 infringement of one or more claims of the '571 Patent.

8   20.   Defendant's acts of infringement have caused damage to SRA. SRA is entitled to

9 recover from Defendant the damages sustained by SRA as a result of Defendant's wrongful acts in

10 an amount subject to proof at trial, but in no event less than a reasonable royalty. Defendant's

11 infringement of SRA's rights under the '571 Patent will continue to damage SRA, causing

12 irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

13   **VIII.   PRAYER FOR RELIEF**

14   WHEREFORE, SRA prays for relief against Defendant as follows:

15   a.   Judgment that Defendant has infringed, induced others to infringe, and/or

16 committed acts of contributory infringement with respect to the claims of the '352, '494 and '571

17 Patents;

18   b.   A permanent injunction enjoining the Defendant, its respective officers, agents,

19 servants, employees, and those acting in privity with them, from further infringement, contributory

20 infringement and/or inducing infringement of the '352, '494 and '571 Patents;

21   c.   Awarding SRA damages adequate to compensate for the infringement by

22 Defendant, but in no event less than a reasonable royalty for the use made of the inventions by

23 Defendant, together with interests and costs under 35 U.S.C. § 284;

24   d.   Awarding pre- and post-judgment interest on the damages assessed;

25   e.   SRA's costs of court; and

26   f.   Awarding to SRA such other and further relief as the Court deems just.

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COMPLAINT

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IX.   JURY TRIAL DEMANDED

2   SRA demands a trial by jury.

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4   DATED: July 27, 2012   THOMAS WHITELAW LLP

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6   By: _____
7   W. PAUL SCHUCK
                                                  Attorneys for Plaintiff
8   SOFTWARE RIGHTS ARCHIVE, LLC

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